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Urban Aboriginal Women in British Columbia and the Impacts of the Matrimonial Real Property Regime

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February 2003

The views expressed in this report are solely the author's and do not necessarily reflect those of Indian and Northern Affairs Canada

This research has been completed in collaboration with the Women's Issues and Gender Equality Directorate, Indian and Northern Affairs Canada.

This document is part of Women's Issues and Gender Equality Directorate's ongoing research on the issue of on-reserve matrimonial real property. It was produced to respond to focus group recommendations that further qualitative data was essential to understanding contemporary on-reserve matrimonial real property issues, particularly how they directly affect the social and economic lives of women and children resident on reserves.

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TERMINOLOGY

This list of terms and phrases and their associated definitions are used throughout this report. Readers are strongly encouraged to familiarize themselves with these terms either before reading the report or to refer to this list as needed.

"**Aboriginal woman**" For the purposes of this study, "Aboriginal woman" refers to a status, non-status or non-Aboriginal woman in a relationship on a reserve, who left that community as the result of relationship breakdown. These relationships include those formalized through a civil marriage, traditional marriage or a common-law union.

"**Band**" refers to a body of Indians for whose collective use and benefit lands have been set apart or money is held by the Crown, or declared to be a band for the purposes of the Indian Act. Each band has its own governing band council, usually consisting of one chief and several counsellors. Community members choose the chief and counsellors by election, or sometimes through custom. The members of a band generally share common values, traditions and practices rooted in their ancestral heritage.

"**Band Members**" refers to a person whose name appears on a Band List or who is entitled to have his name appear on a Band List as defined in the Indian Act.

"**Bill C-31**" refers to the pre-legislation name of the 1985 Act to Amend the Indian Act (Regulations and Statutes of Canada (R.S.C). 1985). This act eliminated certain discriminatory provisions of the Indian Act, including the section that resulted in Indian women losing their Indian Status and membership when they married non-status men. Bill C-31 enabled people affected by the discriminatory provisions of the old Indian Act to apply to have their Indian Status and membership restored.

"**Certificate of Possession**" refers to a certificate, issued by the Minister of Indian Affairs and Northern Development, to an Indian who is lawfully in possession of land in a reserve, as evidence of his right to possession of the land as described therein.

"**The Constitution**" or "**Constitution Act**" refers to the Constitution Act, 1982 (being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11).

"**First Nations Land Management Act**" or FNLMA refers to the First Nations Land Management Act, (1999, C-24).

"**INAC**" refers to the Federal Department called Indian and Northern Affairs Canada.

"**Indian Act**" refers to the Canadian federal legislation, first passed in 1876 and amended several times since. It sets out certain federal government obligations and regulates the management of Indian reserve lands, Indian moneys and other resources. Among its many provisions, the Indian Act currently requires the Minister of Indian Affairs and Northern Development to manage certain monies belonging to First Nations and Indian lands and to approve or disallow First Nations by-laws. In 2001, the national initiative Communities First: First Nations Governance was launched, to consult with First Nations peoples on the issues of governance under the Indian Act. The process will likely take two to three years before any new laws are implemented.

"**NGO**" refers to a non-governmental organization.

"**Reserve**" refers to "...a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band...." In British Columbia, there are 488 Indian reserves, three Indian settlements and one Indian Government District.

EXECUTIVE SUMMARY

Legal provisions for the division of matrimonial real property on a reserve when a marriage breaks down do not currently exist under the Indian Act. At the same time, efforts have been made to allow for legislation that supports and respects the determination of First Nations in Canada to develop land and property management rules that best suit their community interests and needs. This effort culminated on June 17, 1999, in the *First Nations Land Management Act* (FNLMA). Fourteen First Nations in Canada opted into this Act in order to formulate their own land management codes outside Indian Act regulations. Despite this advancement in First Nations determination of land management, critics still have concerns. They believe the FNLMA will have little or no effect on the current lack of rules and procedures surrounding the division of matrimonial real property on a reserve, even though the Act requires such provisions to be implemented. Only time will tell how this situation evolves. In the meantime, anecdotal and testimonial evidence continues to accumulate that documents the experiences and plight of First Nations' women and their children who had to leave their homes on a reserve during marital breakdown.

Indian and Northern Affairs Canada (INAC) commissioned this report, which officially began in late December 2001. The primary objective of this research is to qualitatively document the contextual experiences and outcomes for Aboriginal women and their children who had to leave their reserve homes upon marital breakdown. A second and equally important aspect of this research is to suggest a new paradigm shift away from one that now focuses on the associated legal risks of changing the current matrimonial real property regime. A new paradigm would be characterized by a consideration of the actual social impact and harm to those affected by the lack of specific matrimonial real property codes and protocols.

The Introduction opens with a discussion of the traditional, key roles that Aboriginal women played in Aboriginal societies before colonization. It then documents the changes to their situation that occurred after contact with European newcomers to North America. These changes were drastic. Traditionally, Aboriginal women held positions of authority, leadership and power in their tribes during the pre-contact era. This is in direct contrast to the present day, where Aboriginal women find themselves disempowered, oppressed and facing the threat and risk of violence in their homes and in their communities. Social and economic demographic information is briefly described, focusing on data relevant to the province of British Columbia.

The next section covers the qualitative research methodology used. Twenty-nine Aboriginal women associated with various First Nations in the Victoria-Vancouver areas participated in this study. Various stakeholders, such as Aboriginal NGOs and service agencies, were consulted about the purpose of the research and were asked to provide their comments and feedback regarding the thematic content of the study. Their support for the research and their provision of contact information for potential participants were essential for formulating a sampling strategy. All 29 participants were ensured that their responses would be kept confidential. Specific measures were taken during the interview process to guarantee the participants' safety and well-being while disclosing their experiences of matrimonial breakdown.

The section covering the report's research findings is organized into several broad thematic sections. These reflect the thematic organization of the questionnaire/interview schedule that was used to collect the data. These core research themes are: participant demographics, participant awareness of existing matrimonial real property provisions on a reserve, participant story and experiences and making a difference.

Participant Background Demographic Findings

The average age of the Aboriginal women interviewed was 43 years. They ranged in age from 31 to 63 years. Most participants were originally from British Columbia; however, one-third (9) came from other provinces/territories of Canada. Two participants came from tribes in the United States. An overwhelming majority of Aboriginal women participants were members of their band of origin and were Registered Indians under the *Indian Act*. Only four women obtained their status as Registered Indians under Bill C-31 provisions.

In terms of mobility, almost one-quarter of these women indicated that they were raised both on and off a reserve during their youth. In terms of educational attainment, almost half attended high school, but did not graduate. Only 17% of participants (six women) indicated that they had achieved some post-secondary education. However, on a positive note, one-quarter of the women indicated at the time of the study that they were currently attending or enrolled in an educational institution.

The majority (69%) of participants responded that they were not employed during this study. Of those who were employed, approximately one-third were employed on a part-time basis. Most participants (62%) indicated that their total annual income was below $9,999 per year. This is clearly below the low-income cut off level as defined by Statistics Canada.[1] However, four participants responded that their annual total income exceeded $40,000 per year.

In terms of secondary sources of income, a majority of participants indicated that they were receiving social or disability assistance. Surprisingly, very few participants indicated that they had received any child or alimony support from their former spouse.

During their relationship with their former spouses, most participants indicated that they were in a common-law relationship followed by the second most common form of relationship – marriage. In addition, the majority (59%) of participants did not share the same First Nation origin as their spouse. However, the vast majority of former spouses (97%) held band membership with their First Nation of origin. In terms of co-habitation, the average time participants lived on a reserve with their former spouses was 6.1 years. Currently, over two-thirds of the Aboriginal women participants identify themselves now as single and/or divorced.

A majority of the participants (21 or 72%) held various forms of property interest while co-habiting on a reserve with their former spouses. Interestingly, a majority (76%) responded that they held a joint certificate of possession for the property on the reserve with their former spouse. Yet unfortunately, all of these women left the reserve when their relationship ended. Although eight participants had no children during the period of marital breakdown, there were a total of 60 children whose lives were affected by the participants' estrangement from the reserve.

In terms of the participants' current housing situation, a majority (96%) indicated that they are renting their current dwelling. Only one participant indicated that she owned her home, which is in direct contrast to the statistics on the participant's former situation on the reserve.

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[1] Statistics Canada defines the "low-income cut off" level (or lico level, for short) as total annual income of $32,759 for a family of four.

Awareness of Existing Band Matrimonial Real Property Provisions

Several questions in the interview probed the participants' knowledge about the existence of any First Nation band rules and/or protocols on their former reserve regarding the division of matrimonial real property on the reserve that were directly applicable to their marital breakdown. They were also asked about how the rules, if any, were applied and if the rules were fairly and consistently applied to their specific case or to any other cases they had seen.

Almost all the women interviewed indicated that before their relationship ended, they were unaware of any rules, band by-laws or protocols in place to guide the division of matrimonial real property on a reserve. Only four participants said they were aware of band property division rules before their marital breakdown. Currently, just over one-fifth (21%) of the participants' bands have rules in place and have made some effort to communicate them to their members. Of these rules, almost half (49%) either give preference to the male spouse or to the band member in matrimonial real property division. At the same time, many participants indicated that it is rare for women to keep the home. Typically, the male spouse retains it after marital breakdown. The participants mentioned other factors that reflect the bias connected to the consistent and fair application of property division rules. These include family status on the reserve and the spouses' relationship to those who control applying the property division rules on a reserve. Participants also reported that most band matrimonial real property division rules on a reserve are silent in the case of widowhood, although only one of the participants in this study left her former reserve home in such a situation.

Participants' Stories

This section of the questionnaire focuses on the experiences of participants on a reserve when the marital breakdown occurred and following the break-up. The report examines various aspects of this experience, including the details of the break-up, the transitional period from living on a reserve to moving to another location and their life experiences in their new living arrangements.

Most participants' relationships on a reserve ended about 11 years before the interview was conducted. At the time of their marital breakdown, the average age of the participants was 31 years. The average age of their affected children was approximately 10 years. Most participants (80%) retained custody of their children, although very few reported receiving any child support or alimony at the time.

Nearly three quarters (72%) of the participants immediately left their home on the reserve as a consequence of their marital breakdown. The rest remained on the reserve for a short time afterwards, staying either with family members or temporarily in their home. The predominant reason (69%) participants gave for leaving their home was the effects of domestic violence. However, participants rarely gave a single response for leaving their reserve home. Other factors included lack of housing, financial concerns and the desire to pursue education and employment in urban areas. Unfortunately, these women reported that there was little or no fair and equitable division of their matrimonial real property on the reserve when their relationship ended.

The majority (79%) reported that their former partner did not provide any financial support after their marital breakdown. Only five participants were successful in securing child support from their former spouses, although only for a year or two. However, almost half (45%) of the participants reported that, at the time, their spouse was gainfully employed and most likely capable of providing some level of alimony or child support. Yet very few participants indicated a willingness or motivation to pursue child support. Fear of the former spouse and the risk to personal safety and security were the most common reasons given for this reluctance.

Participants were asked whether they perceived various individuals and organizations as helpful, hurtful or neutral in their transition process out of the matrimonial home on the reserve.

The majority of participants (52%) indicated that they did not use or have band council involvement in their situations. They did not indicate why the band council was not involved or did not intervene in their case. However, of those who did have band council involvement, 21% reported that overall, the council was more hurtful to their situation than helpful (14%). Reasons cited for these negative perceptions included band council indifference and insensitivity to the participants' predicament and its preferential treatment to relatives of band council members. However, the participants did not cite band councils as the most obstructive element they encountered. Participants overwhelmingly reported that their couple friends, or friends they made through their relationship together, were the most hurtful element during their transition.

Participants (79%) reported that, by far, their own family was the single most helpful source of overall support during their marital breakdown. In many cases, participants' families provided a place to stay, transportation, emotional support and babysitting services in their time of need. Three participants indicated that their families were neither helpful nor hurtful because they lived so far away.

Of those participants who sought support through various service organizations, roughly half (48%) said they were helpful. But surprisingly, almost half (48%) of the participants also indicated that support service organizations were not applicable to their situation. The main reasons cited for this were lack of awareness and their belief at the time that there were no services that could have possibly helped their situation.

In terms of positive experiences resulting from the transition to life in urban areas, participants reported marked improvements in their personal safety (17%), employment (10%), education (10%) and freedom/self-esteem (respectively 7% and 7%). Other positive changes included access to basic living provisions, modern utilities, sobriety and lifestyle changes and new skills development. The most helpful supports for these women after leaving the reserve were women's shelters (24%) and counsellors (21%), followed by friends (15%) and family (12%).

Although no rigorous methodology was used to analyze the economic and financial impact of the transitional process, participants were asked to comment on the overall changes in their financial situation after leaving the reserve. Participant responses were equally divided between an improvement (38%) and a worsening (38%) of their financial situation. Only three participants (10%) indicated that their financial situation was unchanged after moving off the reserve. Many responses, from those who indicated improvement, were linked to their newly found independence from their former spouses. This indicated conflicts in their former domestic financial situation. For those who indicated a worsening financial situation, reasons included acquiring their former spouses' debt and the lack of access to reserve resources (traditional foods).

A clear majority (79%) of participants indicated that they experienced many unexpected changes in their lives once they left the reserve. These included feelings of loneliness due to isolation, of missing cultural opportunities on the reserve, denial of band-supported educational funding and financial concerns and worries. Some also indicated that culture shock and the added expense for children's activities in the city were concerns. However, some participants responded that not all changes were negative. Many felt consoled by the fact that they were able to change their lifestyle, function independently and take care of themselves.

Similarly, participants were asked about whether their children were better or worse off in the city than on a reserve in their previous relationships. Over half (59%) reported that they thought their children were better off in the city, citing reasons such as increased resources, training, educational opportunities and increased contact with the maternal family. Only two participants felt their children were not better off in the city. However, overall, most participants indicated that the loss of community, cultural opportunities and community/family gatherings had a negative impact on both them and their children.

Making a Difference

This theme of the questionnaire (Making a Difference) gave participants a forum to express their opinions on measures they felt should be immediately implemented to help Aboriginal women on a reserve and their children facing experiences similar to theirs. In addition, participants were asked to comment on what specific information or resources would have been useful to them and their children during the marital breakdown on a reserve.

The participants provided a wide range of responses (115 answers) to these two questions. Overwhelmingly, participants (72%) stressed the need for resources available on a reserve to support domestic violence intervention and prevention. In particular, the need for Aboriginal-managed shelters, access to information on shelters, transportation and public acknowledgements about violence in the community, dominated participants' concerns. For the longer term, some participants also suggested the creation of a "Community Safety Plan" on the reserve that would involve band workers, Royal Canadian Mounted Police (RCMP) and other related staff on the reserve to respond to and help community members wishing to leave an abusive relationship.

Over half of all participants (59%) indicated that there is a great need for increased public and community education and awareness of overall legal rights on the reserve, including matrimonial real property rights. More specifically, in terms of housing on the reserve, participants indicated

(52%) that matrimonial homes should be jointly registered in both spouses' names; that matrimonial homes should remain with the spouse who retains custody of the children; and that there should be more, better-quality, affordable housing on the reserve.

Another concern was less often expressed, but was equally important in the long term and encompassed many broader issues. This concern emerged from participants' comments touching on aspects of First Nation governance and horizontal and vertical accountability issues. Specifically, participants suggested that First Nations councils should provide mediation processes to better deal with disputes. They also suggested that First Nations councils should clearly articulate, disseminate and administer band policies and rights in a transparent and fair manner. Participants also mentioned that these policies or contracts resulting from First Nations policies, which include certificates of possession, should be legally binding.

Conclusions

The report's conclusion outlines a consistent story shared among participants along various social and economic dimensions. It includes the following characteristics: poverty and unemployment of the participants; lack of awareness of the gap in matrimonial real property rules in the Indian Act and in band by-laws; a lack of adequate resources and support when faced with a failing relationship on a reserve; and the shadow of domestic violence that enveloped the participants' relationship with their former spouses while on a reserve. However, positive experiences occurred when the participants were forced to move off the reserve, such as increased personal safety and self-esteem and educational opportunities. Many felt that their children were much better living off the reserve than living on the reserve in a dysfunctional family situation. The report concludes by suggesting that further evidence-based research is needed to guide and inform policy discussions and development processes so that meaningful change can occur, while at the same acknowledging community control and ownership of this complex issue.

INTRODUCTION

In the First Nations context, the ways that the matrimonial real property regime on a reserve affects the family have been an outstanding concern of Aboriginal women. When relationships break down, there is often not a fair and equitable division of the marriage's assets. In many respects, this is the direct consequence of a non-existent matrimonial real property regime under the *Indian Act*. However, this situation has not gone unnoticed. For some time, Aboriginal women have often raised the necessity in various fora for a better mechanism to divide matrimonial real property on the reserves in the event of a marital breakdown.

It is anticipated that this research study can be a first and necessary step in examining the economic, political and social impact on Aboriginal women faced with marital breakdown and how these impacts affect their personal and family security. Beginning in the urban context in British Columbia, primary research involving Aboriginal women and organizations will help clarify the ways the property regime under the *Indian Act* has affected women's lives and choices.

The geographical context for this research study is centered on the matrimonial real property regime in the province of British Columbia. Vancouver and Victoria, two of British Columbia's largest urban centers, were chosen as natural sites for this research project given their sizable populations of Aboriginal women (6,090 and 3,400 respectively). Using a qualitative research methodology in conjunction with various governmental and NGO partners, Aboriginal women residing in these cities were asked to provide their experiences on how their marital breakdown on the reserve positively or negatively affected them and their children.

The Context: Traditional Roles

Since time immemorial, Native Nations governed all of what is now known as North America or Turtle Island. Turtle Island was the home of various culturally diverse Indigenous Nations. To illustrate this point in the current context, today there are over 60 unique First Nations in British Columbia alone. Thus, there were many Indigenous ways of being and knowing. Many Aboriginal societies were matrilineal, characterized by the man moving to the woman's family location after marriage. Many other Indigenous communities were matriarchal. In these societies, women typically were actively involved in various forms of tribal governance.

Therefore in a traditional context, Aboriginal women held unique and influential positions in their society. They governed, controlled leadership, owned all community property and had sole responsibility for resolving disputes.[2] Mohawk female Elders, grandmothers held special positions of power. Aboriginal women gave life. Grandmothers were the only ones who had "almost walked a full circle."[3] Accordingly, they had the wisdom and power to be solely responsible for the discipline of all community members.

Traditionally, Navajo women had equal rights with Navajo men, because women's roles complemented those of men.[4] Traditionally, Navajo men would move to their wives' family locations after marriage (a matrilocal society).[5] This arrangement prevented spousal abuse because the woman's family would protect her if required.[6] Clan Elders and the extended Navajo family would be shamed if one of their men engaged in wife abuse.[7] In the Onondaga Nation, men could not vote or have non-member spouses residing on tribal lands.[8] For Indigenous women, leadership roles are "natural extensions of the care taking role."[9] Traditionally, women were central to society, perhaps because of their reproductive powers.[10] "Aboriginal women played equal, significant and respected roles in government-making,"[11] according to McIvor, who also observes that "the role of Aboriginal women was central to the spirituality and existence of the nation."[12] Traditionally, divorces were available for

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[2] P. Monture-Angus, "The Roles and Responsibilities of Aboriginal Women: Reclaiming Justice," in, *Thunder in My Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 1995), 241.

[3] Monture-Angus, 242.

[4] J. Zion and E. Zion, "Hozho' Sokee' – Stay Together Nicely: Domestic Violence under Navajo Common Law," *Arizona State Law Journal* 407: 412-413.

[5] Zion and Zion, 414.

[6] Zion and Zion, 414.

[7] Zion and Zion, 415.

[8] G. Valencia-Weber and C.P. Zuni, "Domestic Violence and Tribal Protection of Indigenous Women in the United States", *St. John's Law Review* (1995):91.

[9] Valencia-Weber and Zuni, 92.

[10] Valencia-Weber and Zuni, 93.

[11] S. McIvor, "Aboriginal Self-governance: The Civil and Political Rights of Women," Masters of Laws thesis, 1995, 8-9.

[12] McIvor, 10.

Aboriginal women if they were unhappy or if they experienced abuse. They could simply ask the man to leave or just put his belongings outside the door.[13] In traditional Sioux culture, women were considered to be sacred.[14]

Current Social and Economic Situation of Aboriginal Women

Although information exists on the demographic profiles of Aboriginal people, this information is mostly derived from the Census conducted by Statistics Canada and also through the Aboriginal Peoples Survey (APS) that was conducted for the first time in 1991. Indian and Northern Affairs Canada (INAC) does collect and maintains several databases on Registered Indians and Land Entitlement Mechanisms on First Nation reserves. However, for the most part, the intent of these databases is not to support ongoing research activities, but to function as administrative and operational tools. This section will briefly outline the results of some research studies and data publications readily available from INAC and Statistics Canada. The focus in this section is on information.

Research and analysis conducted by INAC shows that Registered Indians living on reserves have both advantages and disadvantages regarding living costs relative to most other Canadians. The advantages include subsidized housing and greater eligibility for government transfer payments. Advantages also include an environment that allows Registered Indians to pursue traditional lifestyles (e.g., hunting, trapping and fishing, assuming that the surrounding lands can sustain this activity) that have given them the potential for lower food costs.

The disadvantages resulting from reserves' isolation from major urban areas include higher costs for many commodities than elsewhere in Canada and a lack of employment in rural reserve communities. However, many people living on a reserve regard relocation to other areas with better social and economic prospects as less viable and desirable than would other Canadians.

Further data published by INAC show that in British Columbia, there were 28,982 off reserve Registered Indian females as of December 31, 2000. This represents a quarter (25%) of the Registered Indian population provincially. Of these off reserve females, one-third are under the age of 19, 57.4% are between the ages of 20 and 49, while approximately 17.6% are over the age of 50.

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[13] McIvor, 33.

[14] Valencia-Weber and Zuni, 70.

In 1998-1999, housing units on reserve in British Columbia totalled 16,025, although not all people living on reserves are Registered Indians. The 1991 Census found that only 70% of the people living on reserves were of Aboriginal origin. Although there were problems with the 1991 and 1996 Censuses due to underreporting of the Aboriginal population, the 1996 Census estimated that the Aboriginal population living on British Columbia Indian reserves was 64,981. This represented a 19.1% growth since the 1991 Census.

METHODOLOGY

At the time this research was conducted, very little information or data was available that described the number and extent of issues affecting First Nation women and their children who were experiencing matrimonial breakdown on a reserve. This situation has not changed. For the most part, information on these issues still continues to be anecdotal at best. As a result of this limited information, no efforts were made to determine an appropriate and representative participant sample size for the province of British Columbia where this study was conducted. No control groups were established to measure any significant differences in experience between First Nation women who left the reserve after marital breakdown and those who were able to stay. Moreover, no efforts were made to stratify the sample by other social and economic factors, such as age, income, with/without children and other relevant factors. In many respects, the research remains highly exploratory. However, because there are no provisions in the *Indian Act* to deal with the issues of the division of matrimonial real property on a reserve, it is highly likely that the events and outcomes for First Nation women experiencing matrimonial breakdown would converge in common experiences. Using this fact, in conjunction with qualitative research methodological criteria, it was determined that an appropriate sample size of no more than 35 participants would be enough to satisfy the objectives of this project, given time and cost constraints. In the end, 29 First Nation women living in the Victoria-Vancouver areas of British Columbia admirably participated in this research study.

Research Design

At the beginning of the project, considerable time and effort went into designing an appropriate qualitative research instrument before the actual interviews. Efforts focused on three essential areas, including:

- the development of appropriate screening questions for the research sample;
- relevant research questions/content and themes to be examined by the study; and
- the determination of a questionnaire pre-test and sample selection strategy.

These key processes were undertaken through various fora and activities in which the principal researcher of this study participated and collaborated along with other stakeholders involved in the study. These included INAC representatives and Aboriginal NGOs from the study location in British Columbia.

Questionnaire Screening Criteria

The importance of developing efficient and appropriate screening questions for this study cannot be overstated. The following core criteria were used to "screen" an Aboriginal woman participant into the study:

A. The Aboriginal woman participant was married or lived common-law on a reserve in an owned or rented residence.

B. Her relationship ended or changed through widowhood while living at this reserve residence.

C. She did not have a choice to remain on the reserve when her relationship ended.

If all three criteria were answered affirmatively, then the participant would be "screened in" as part of the sample for this study. No restrictions were placed on how recently a participant's matrimonial breakdown had occurred. All screening sessions were conducted by telephone in order to avoid wasting time on transportation and the participant's time, if it was determined that their experiences were unsuitable for the study. Contacts for potential participants were provided by and gathered in consultation with Aboriginal NGOs and other service agencies in the research area. Their knowledge and background in providing services to Aboriginal women experiencing marital breakdown were essential in formulating the sampling and data collection strategy. The principal researcher also attempted to publicize the study and solicit participants for it by distributing pamphlets and brochures to Aboriginal and other service NGOs in the research area, where these women might be clients.

Questionnaire Research Content and Themes

Several fora were undertaken to determine and complete the research questions, themes and format of the questionnaire. The main participants in these processes included the primary researcher and officials from INAC and Aboriginal NGOs in the research area.

In mid-December 2001, a focus group session was held in British Columbia with INAC officials participating via conference call. The focus group mechanism accomplished and supported several objectives. First, all Aboriginal NGO officials were introduced to the project and its purpose. Secondly, the focus group provided the opportunity to gather feedback and suggestions on questionnaire content and themes from various individuals who had direct contact with potential participants for the project. This feedback and insight were important for formulating appropriate and relevant questions for the study. In addition, the focus group provided an opportunity to discuss potential ethical problems or data-collection barriers for disclosing the First Nations women's experiences regarding matrimonial breakdown on a reserve. Finally, all focus group participants were encouraged to participate in and support the project, by providing contact information for potential project participants, thus providing direct assistance in forming a sampling strategy.

Based on the suggestions and views presented by the focus group, a set of major themes were formulated to guide the construction and flow of the final questionnaire format. The major research question groupings are as follows:

- screening questions
- background/demographics
- awareness of existing matrimonial real property regime

- participants' stories
- making a difference
- concluding remarks

The details of the questions and comments under these broad titles and themes are outlined in Appendix A.

Questionnaire Pre-test and Sampling Strategy

As noted above, Aboriginal NGOs were instrumental in providing names and contact information of potential participants as part of the sampling strategy for the project. Several test candidates were contacted by telephone to determine their suitability to participate in the project. Once verified, a test run of the questionnaire was performed to evaluate the efficiency and relevancy of survey questions and to seek out potentially problematic questions that may result in a high rate of non-response or non-applicable outcomes. This situation was not totally avoidable for certain types of questions, as the study findings show. However, the rate of non-response or non-applicability of questions would most likely be higher if a pre-test were not performed before the actual participant interviews.

Ethical Concerns

All participants in the study were informed of and ensured confidentiality regarding their interview responses. In conjunction with the questionnaire, most of the interviews were recorded on tape; then later transcribed to minimize biases in interpreting interview responses. Some participants requested that the interview not be taped. In order to ensure data reliability for this situation, detailed notes were taken during the interview. For those interviews that were recorded, participants could request that the recording be stopped. In the transcription process, all proper names of the participants, as well as other individuals/organizations mentioned in the interview, have been replaced with more generic, non-specific titles such as friend, family member, band chief or counsellor and service organization. Again, this was necessary to reduce the chances of identifying the participant and to ensure the confidentiality of participant responses.

All participants were required to give informed consent to the principal researcher before being interviewed. Participants were also given the discretion of terminating the interview at any time. In addition, efforts were made during the commissioning of this project to ensure the physical and psychological safety of all participants. Interviews were conducted in safe and secure locations. If needed, counselling resources were available to those experiencing trauma when describing their experiences. In the end, all 29 interviews were conducted without participants expressing any serious issues or incidents during the interview.

STUDY FINDINGS

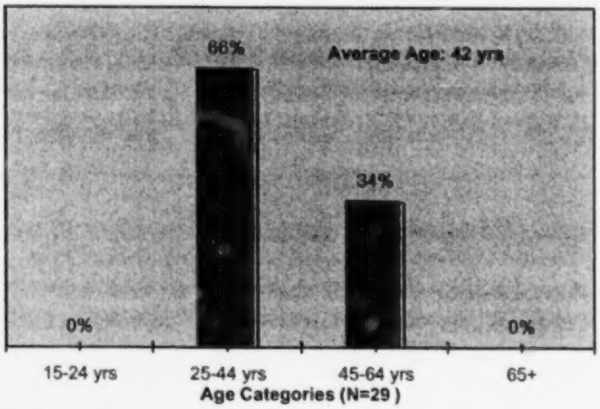
I. PARTICIPANT BACKGROUND/DEMOGRAPHICS

This section focuses on the series of questions in the interview schedule that examine the background demographic information on the Aboriginal women participating in this study.

Age of Participants

Figure 1 depicts the age distribution of the 29 Aboriginal women participating in the study. Their ages ranged from 31 to 63 years, with the average age being 42.6 years. The majority of participants (19) in this study were between 25 and 44 years of age.

Figure 1. Participants' Age Distribution



Source: Appendix B, Table 1.

First Nation Origins

In Figure 2, the First Nation origin of the 29 Aboriginal women is depicted. The largest proportions were First Nation women (62%) from British Columbia. The First Nations identified for this group include Kwakiutl, Seabird Island, Squamish, Cowichan, Namgis, Ahowsaht, Songees, Gitksan, Quatsino, Sechelt, Kingcome Inlet, Nisga'a and Mount Currie. Thirty-one percent (31%) were First Nation women from other Canadian provinces and territories. The First Nations identified from this group include Hobbema, Peigan Nation, Peguis Band, Fishing Lake, Kahkawistahaw, Wikwemikong, Letse K'e Dene, Keeseekoose and Waywayseekappo. Two participants identified themselves as Native Americans from the Nez Perce and Cherokee tribes in the United States.

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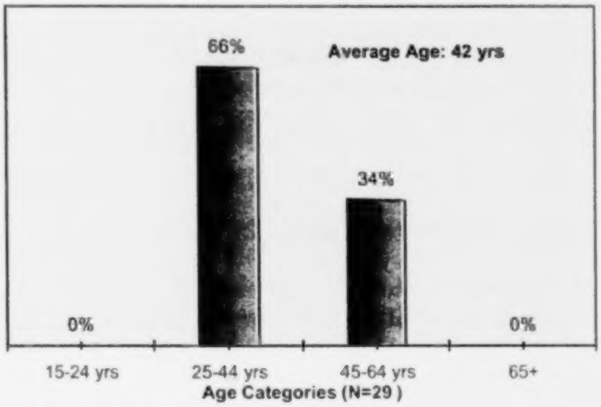

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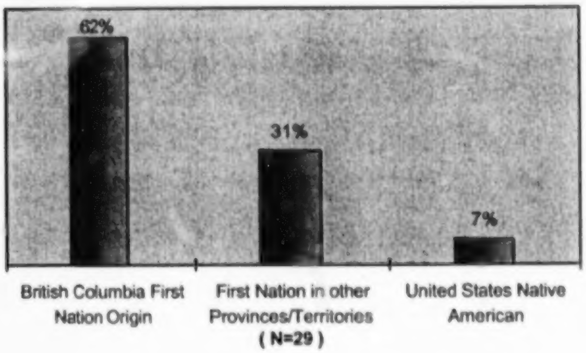
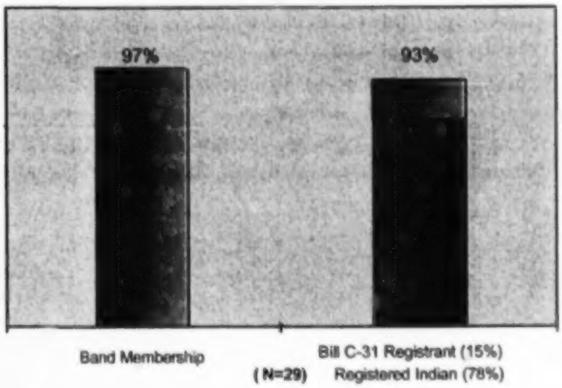


Source: Appendix B, Table 2.

Band Membership and Registered Indian Status

Figure 3 depicts the proportions of band membership and Registered Indian Status of the 29 participants.

Figure 3. Band Membership and Registered Indian Status of Participants



Source: Appendix B, Table 4.

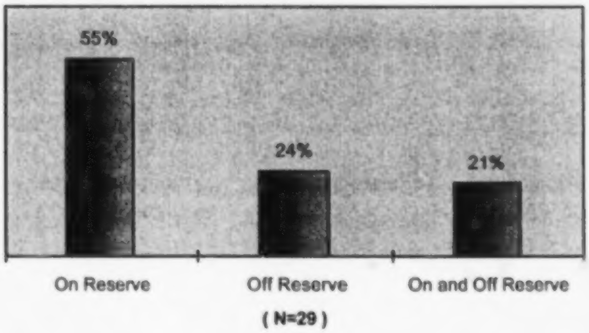
In terms of band membership, 28 (97%) of the participants answered that they were members of their respective bands. The one participant who answered in the negative had been automatically transferred from her own to her husband's band.

When participants were asked if they had Registered Indian Status, 93% answered affirmatively. Of those 93%, only four participants (15% of all participants) were registered under Bill C-31 provisions. In other words, either they or their mothers or grandmothers had lost Indian Status through marriage to a non Aboriginal spouse.

Location of Childhood

Figure 4 depicts the proportions of where the 29 Aboriginal women were raised in terms of living on or off a reserve.

Figure 4. Participants' Primary Childhood Location



Source: Appendix B, Table 5.

The majority of these women (55%) were raised on reserves, while 24% were raised off a reserve. Over one-fifth (21%) answered that they were raised both on and off a reserve, reflecting the high mobility of Aboriginal families.

Highest Level of Educational Attainment

Figure 5 shows the highest level of education of all 29 participants at the time the interview was conducted.

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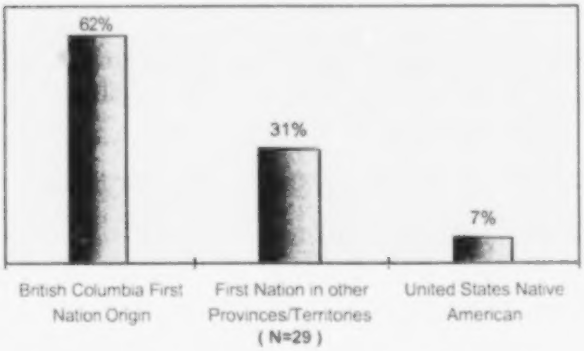

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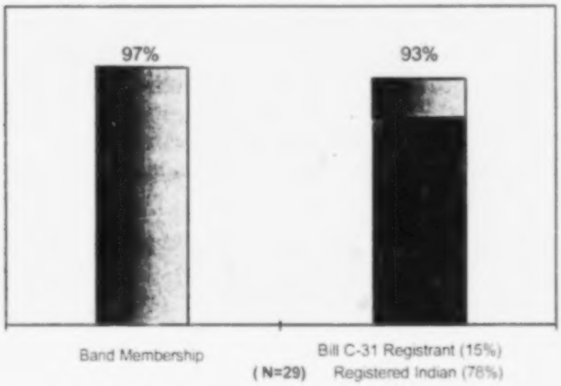

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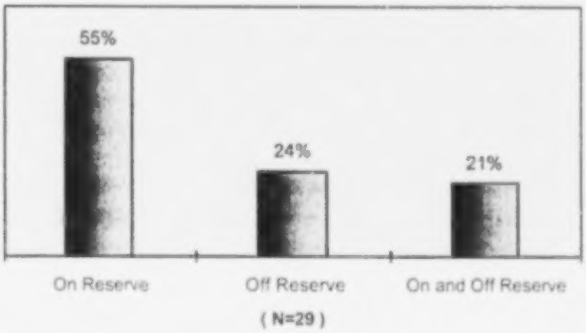

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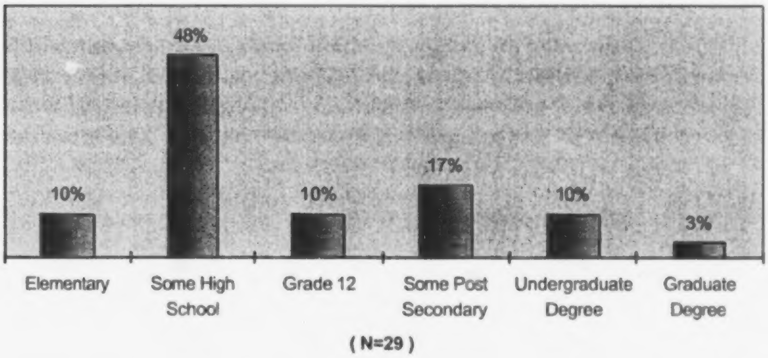


Source: Appendix B, Table 6.

Approximately half of the participants (48%) have some high school education (but not enough to graduate). Seventeen percent (17%) have some post-secondary education. Three percent (3%) have a graduate degree. Altogether, almost one-third (30%) had some form of post-secondary education.

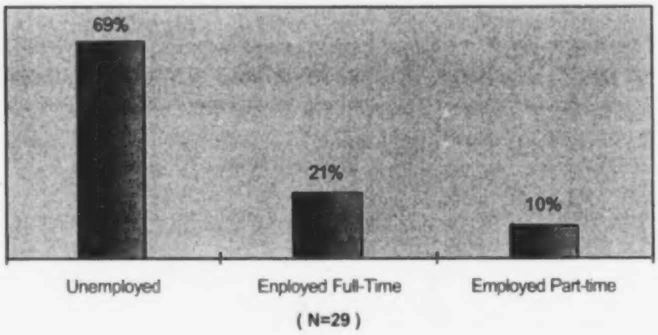
Continuing Education

Almost one-quarter (24%, Appendix B, Table 7) of the participants at the time of the interview were enrolled in an educational program.

Employment Status

Figure 6 reflects the proportions of the employment status of the 29 Aboriginal women participants.

Figure 6. Participants' Current Employment Status



Source: Appendix B, Table 8.

The majority of women (69%) are not currently employed. Of the women employed, three respondents are working part-time (10% overall). The number of participants holding full-time employment is only 21%. The respondents are employed in diverse areas, such as administration, treaty negotiations, contract work, and distribution of examinations, policy analysis, legal advocacy and relief work.

Income Levels

The number of participants who live at the poverty level is alarming (Figure 7). Almost two-thirds (62%) indicated that their yearly income was below $10,000 (less than $833 per month). Seventeen percent (17%) indicated that they received between $9,999 and $ 19,999 annually. One of the more encouraging aspects of this study is that 14% have an income of more than $40,000 per year.

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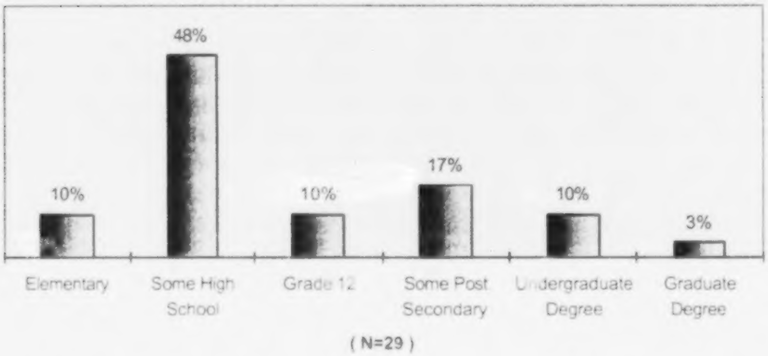

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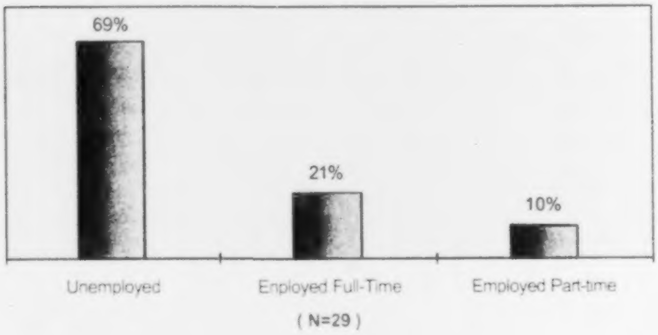

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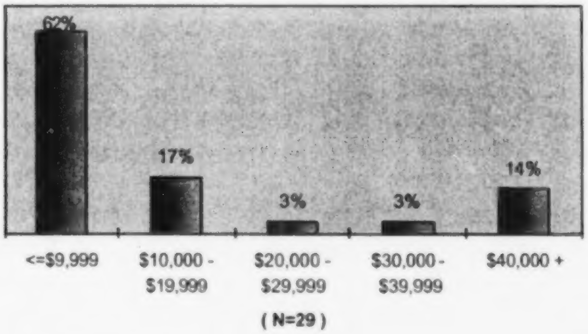
Figure 7. Participants' Total Annual Income



Source: Appendix B, Table 9.

Secondary Sources of Income

Figure 8 reflects the proportions of the secondary sources of income the study participants were receiving at the time they were interviewed.

Thirty-one percent (31%) of participants indicated that they received social assistance and 17% reported that they received disability benefits. If the governmental forms of supplemental income are combined (social assistance, disability benefits, employment insurance, child tax credit and GST cheques), they account for 57% of secondary income received by the participants. What is surprising about these statistics is the small number of participants who currently receive child support (3%).

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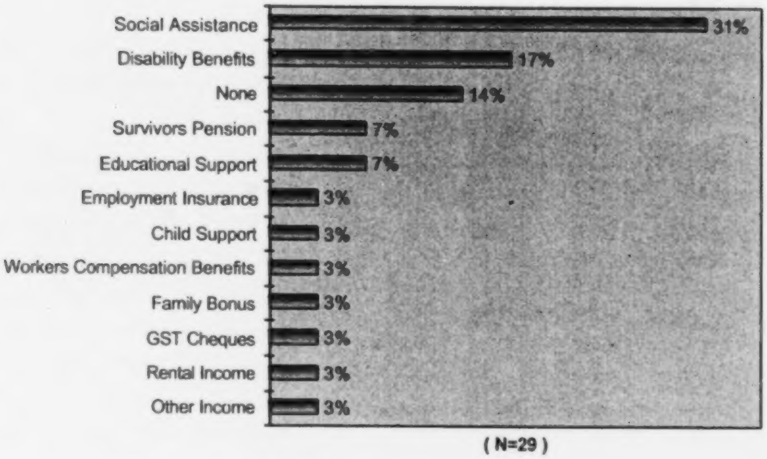

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Marital Status of Participants with their Former Spouses

Figure 9 depicts the proportions of the various types of marital status the participants had with their former spouses while living together on a reserve.

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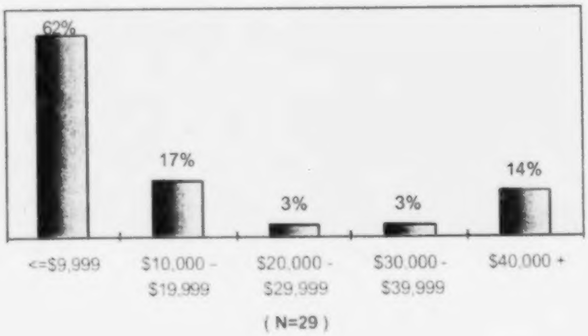

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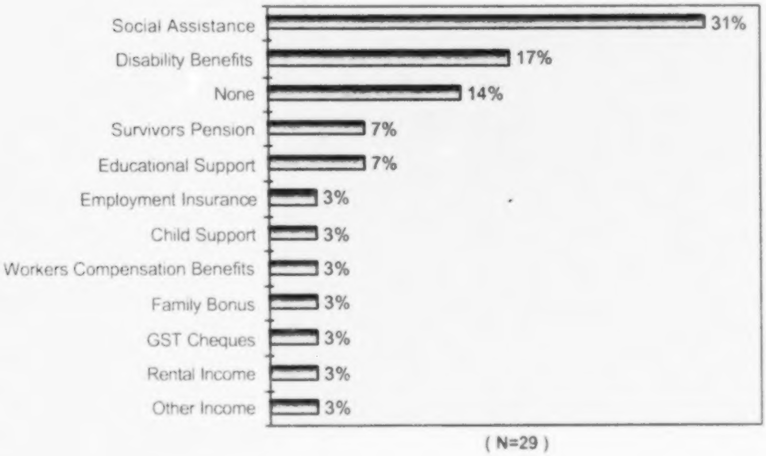

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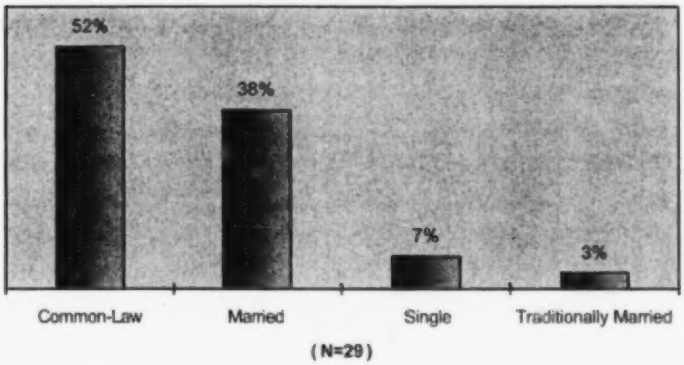
Figure 9. Participants' Marital Status while Living with their Former Spouses



Source: Appendix B, Table 11.

Figure 9 shows the majority (52%) of the participants responded that they were in a common-law relationship or were married (38%) while in their relationship with their former spouse. Currently, the majority of participants identify themselves as single (55%) or divorced (14%, see Appendix B, Table 12).

Same First Nation Origin as Former Spouse

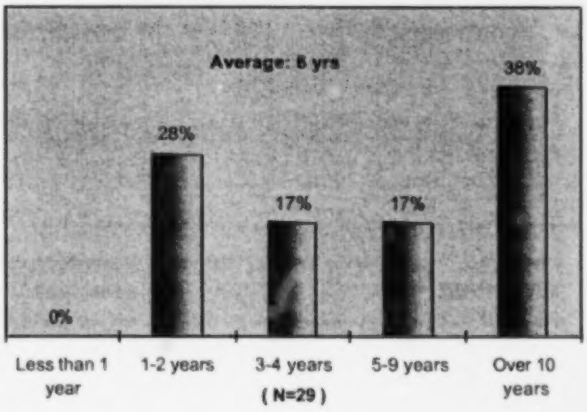
At the time of co-habitation, the majority of participants shared the same First Nation origin (59%, see Appendix B, Table 13) as their spouse. Their spouses were from many different reserves, such as Hagwilget, Klemtu, Haisla, Tsawout and Adams Lake. Most of the former spouses (97%, see Appendix B, Table 4) did have band membership in their First Nation of origin.

Length of on a Reserve Co-habitation

Figure 10 illustrates the proportions of the length of time the participants co-habited with their former spouse on a reserve.

The reserves where participants lived with their former spouses included Fort Rupert, Cowichan, Songhees, New Hazelton, Kincolith and Campbell River. The majority of participants (38%) lived on the reserve with their former spouses for over 10 years. The average time that all the participants lived on a reserve with their former spouses was 6.1 years.

Figure 10. Total Length of Co-habitation on the Reserve

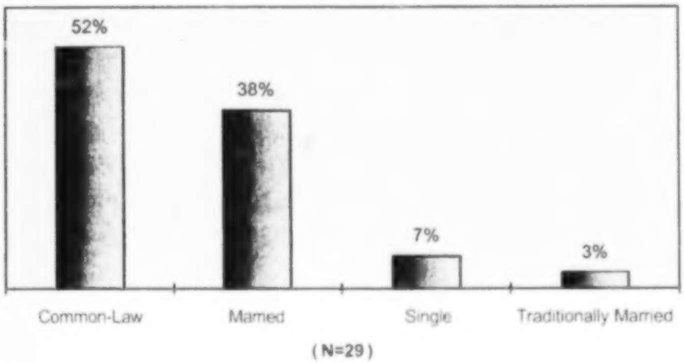


Source: Appendix B, Table 14.

Property Interest of Participant in Co-habitation with Former Spouse on the Reserve

Figure 11 depicts the various proportions of the property interests held by the 29 participants while they were co-habiting with their former spouse on a reserve.

Figure 9. Participants' Marital Status while Living with their Former Spouses



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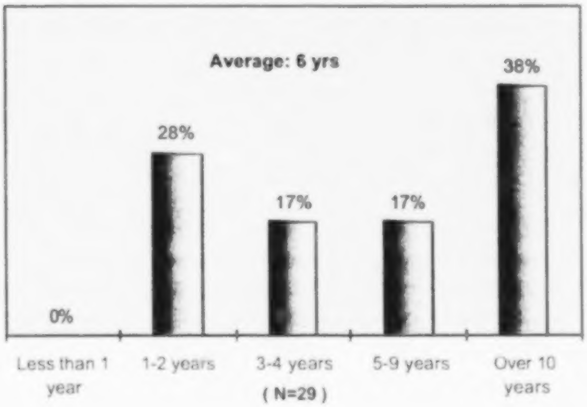

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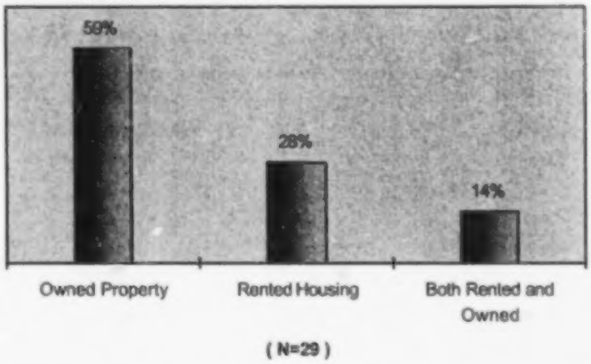
Property Interest of Participant in Co-habitation with Former Spouse on the Reserve

Figure 11 depicts the various proportions of the property interests held by the 29 participants while they were co-habiting with their former spouse on a reserve.

Clearly, the majority of participants (59% or 17 participants) had a form of property ownership with their former spouses (to the extent possible, considering that reserve land is not fee simple). Over one-quarter (28%) of the participants said that they had rented housing when they were in their former relationships. Fourteen percent (14%) said that they had both owned and rented housing on a reserve in their former relationships. Thus, a total of 73% (21 participants) previously held a form of property ownership on a reserve.

Figure 11. Property Interest with Former Spouse



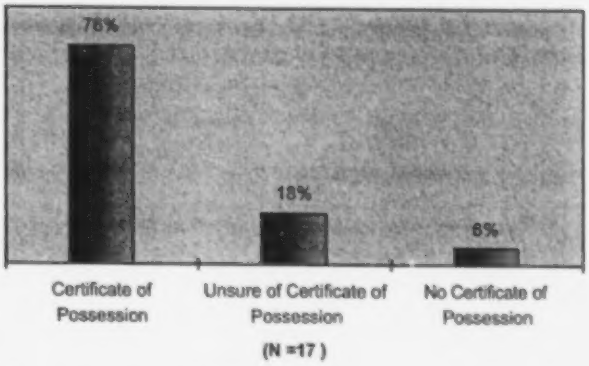
Source: Appendix B, Table 15.

Of the eight participants (28%) who rented housing on a reserve, five (62%) indicated that the rental property was in the male's name. Only one participant had the rental property registered in her name. The remainder (25% or 2) reported that the rental property was in both their name and their spouse's name.

Types of Property Interest of Participants

Figure 12 shows the proportions of the types of property interest held by participants (17) while living with their former spouse.

Figure 12. Participants' on Reserve Property Interest with Former Spouses



Source: Appendix B, Table 16.

Of the respondents who had a property interest on the reserve in their former relationships, 76% indicated that they had a certificate of possession with their former spouses. Eighteen percent (18% or 3 participants) were uncertain whether they had a certificate of possession in their name. Interest in the land was often in the man's name. Among the reasons for doing so, participants said it was because, *"The band registers land in the man's name"*, or because the husband purchased it and informed the participant of it later, or because it was the man's family property on his reserve. Of those participants who had land registered in the woman's name or jointly, all (41%) left the reserve when the relationship ended. The reasons for this high number included: that it was a mutual decision; that the spouse had the locks changed while the participant was at work; and that the RCMP would not do anything to help the participant keep her home. One participant said that her former spouse had become involved with the next-door neighbour, so that staying would have created a distressing situation.

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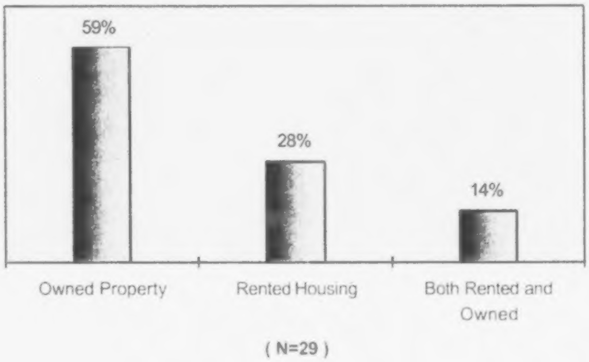

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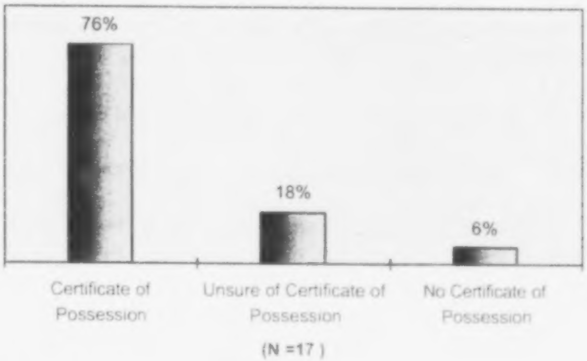

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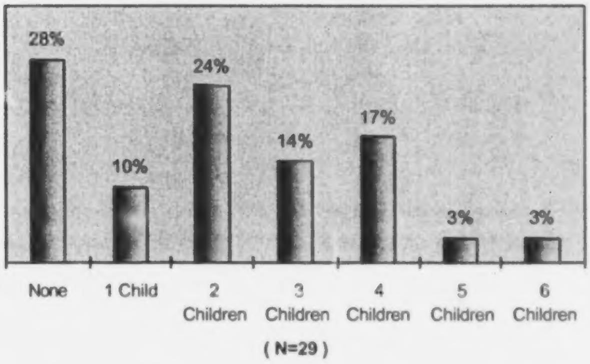
Participant's Children

Twenty-eight percent (28%) of participants did not have children with their former spouses, as shown in Figure 13. However, 24% had two children with their former spouses. There are 60 children in total from all of these former marriages. Each of these participants had an average of two children with her former spouse. The average current age of the children is 21.3 years. Currently, the youngest child from a former marriage is three years old, while the eldest child from a former marriage is 46.

Figure 13. Participants' Number of Children with Former Spouses.



Source: Appendix B, Table 17.

Registered Indian Status and Band Membership of Participant Children

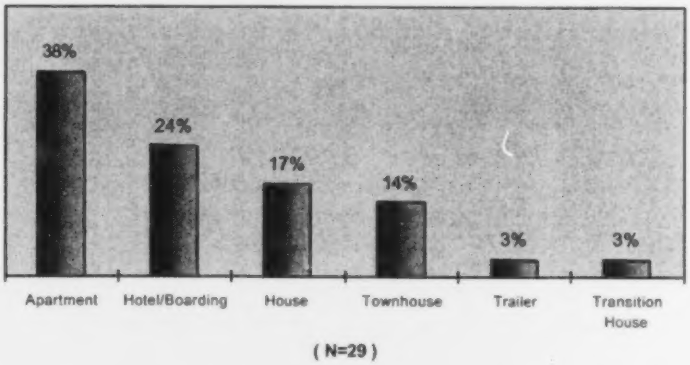
Of the participants who had children with their former spouses, the majority of children (90%, see Appendix B, Table 18) have Registered Indian Status. Only 5% are not registered. Concerning the remaining 5%, the mother is uncertain whether her children are registered.

In terms of band membership, the children are roughly divided between the participant's band and the former spouse's band (28% and 34% respectively). The remaining children (38%, see Appendix B, Table 19) possess membership in both parents' bands.

Current Housing Situation of Participant

Eleven (38%) participants currently live in an apartment, as shown in Figure 14. Seventeen percent (17%) said that they live in a house, while 14% live in a townhouse. Over one-quarter (27%) reported that they currently live in a hotel, boarding room or transition house.

Figure 14. Participants' Current Housing Situation



Source: Appendix B, Table 20.

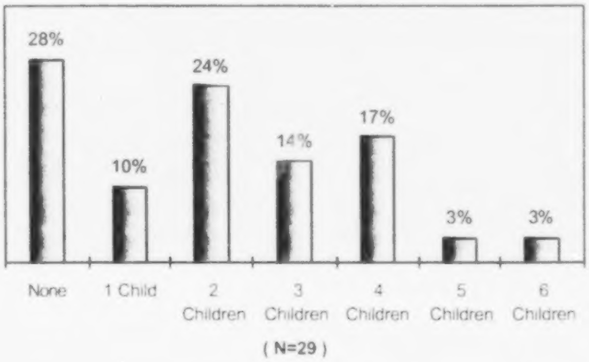
Current House Ownership Status of Participants

The majority of respondents (96%) are renting their housing (either rent, subsidized rent or rent to own) as is shown in Figure 15. Only one participant (3%) is a homeowner. This is in sharp contrast to the earlier statistic in which 72% of all participants were homeowners on the reserve with their former spouses.

Participant's Children

Twenty-eight percent (28%) of participants did not have children with their former spouses, as shown in Figure 13. However, 24% had two children with their former spouses. There are 60 children in total from all of these former marriages. Each of these participants had an average of two children with her former spouse. The average current age of the children is 21.3 years. Currently, the youngest child from a former marriage is three years old, while the eldest child from a former marriage is 46.

Figure 13. Participants' Number of Children with Former Spouses.



Source: Appendix B, Table 17.

Registered Indian Status and Band Membership of Participant Children

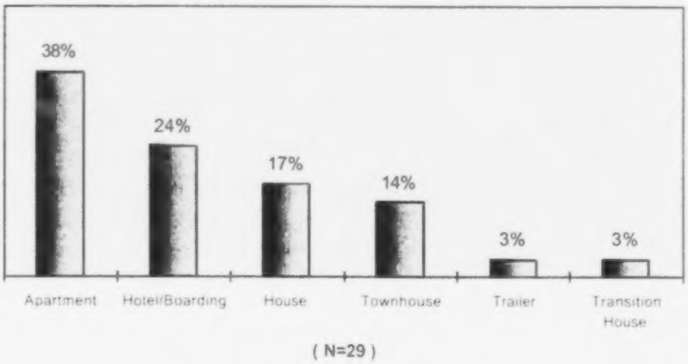
Of the participants who had children with their former spouses, the majority of children (90%, see Appendix B, Table 18) have Registered Indian Status. Only 5% are not registered. Concerning the remaining 5%, the mother is uncertain whether her children are registered.

In terms of band membership, the children are roughly divided between the participant's band and the former spouse's band (28% and 34% respectively). The remaining children (38%, see Appendix B, Table 19) possess membership in both parents' bands.

Current Housing Situation of Participant

Eleven (38%) participants currently live in an apartment, as shown in Figure 14. Seventeen percent (17%) said that they live in a house, while 14% live in a townhouse. Over one-quarter (27%) reported that they currently live in a hotel, boarding room or transition house.

Figure 14. Participants' Current Housing Situation



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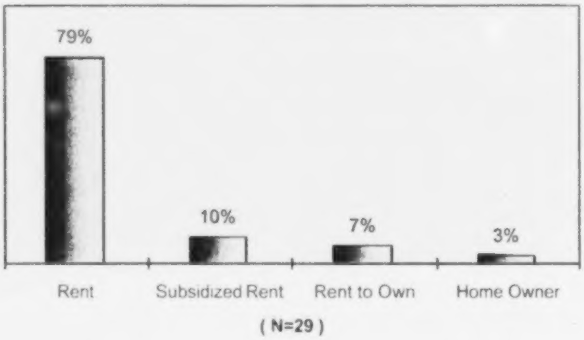
Only one participant indicated that there was a family elder living with her. Although this was not a category question, this information was volunteered. Other participants might have reported being in a similar situation, had the question been asked. Participants reported having an average of 1.89 bedrooms in their current homes. When asked about their mobility, participants indicated they have moved an average of 2.86 times in the last five years.

Figure 15. Participants' Current Home Ownership Status



Source: Appendix B, Table 21.

II. AWARENESS OF EXISTING REGIME

Participant's Awareness of Band Matrimonial Real Property Rules at Time of Marital Breakdown

Before their relationships ended, the majority (86%, see Appendix B, Table 22) of participants were unaware of rules, laws or by-laws regarding the division of matrimonial real property on the reserve. The 14% of the participants, who were aware, continually qualified that awareness with phrases such as, "*somewhat aware*" or "*sort of aware*", clearly indicating a high level of uncertainty.

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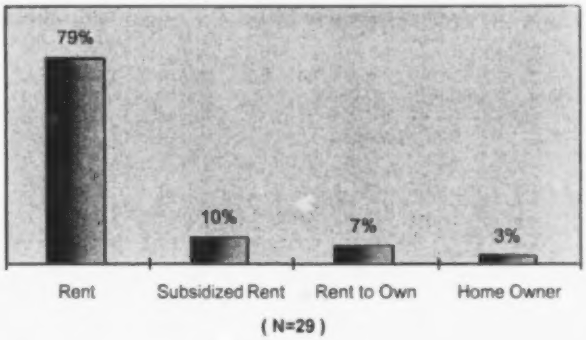

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Participant's Awareness of Current Band Matrimonial Real Property Rules

When asked if their band had any matrimonial real property rules, laws or by-laws, most respondents (45%, see Appendix B, Table 23) answered that there was nothing in place. Even to date, a large number (34%) responded that they had no idea if their band has rules or laws. A minority (21%) of the participants' bands have rules in place and have made some sort of effort to make that knowledge public. According to the participants, some of those rules are new and some give preference to the man (33% of the participants with band rules in place); others (16%) said preference was given to the band member in the relationship.

Spousal Equality to Possess Matrimonial Home after Marital Breakdown

Participants were asked if either spouse can keep a matrimonial home after a divorce on a reserve at the time of their marital breakdown. Approximately 41% (see Appendix B, Table 24) answered in the affirmative. To add further context to this response, some participants said that the spouse with the certificate of possession keeps the house. In practice, this means that possession ends up with the male spouse. One participant said that whoever has custody of the children retains the house, although qualifying her statement that it is *"rare to see a woman keep the house"*. Another responded that *"it depends on who bullies who"*. Some participants responded that there were certain privileged individuals on a reserve. Two examples focused on the issue of widowhood for which there are limited *Indian Act* guidelines for dividing matrimonial real property on a reserve. In one case, a widow, who was originally from the band, was removed from the reserve after marital breakdown. While yet in another case, a widow not originally from the reserve remained living on the reserve after her divorce.

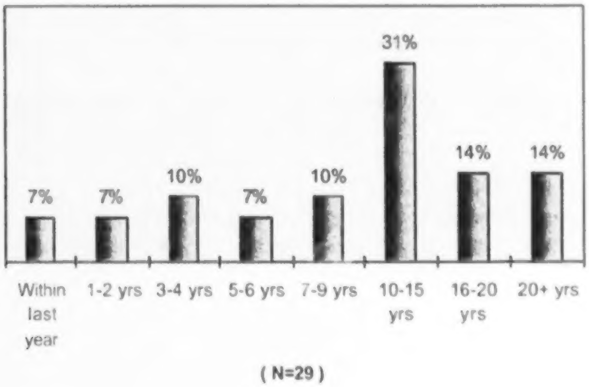
Perception of Available Housing on the Reserve at the Time of Marital Breakdown

Forty-eight (48%, see Appendix B, Table 25) percent of participants indicated that during their marital breakdown, alternative housing was available on their reserve.

Years Elapsed Since the Relationship Ended

Figure 16 depicts the distribution of elapsed time since the participants' relationships ended.

Figure 16. Years Elapsed since Participant's Relationship Ended



Source: Appendix B, Table 26.

Most of the participants' relationships ended between 10 and 15 years ago. The average age of the participants at the end of the relationships was 31 years; their children's average age was 10.5 years.

Location of Residence after Marital Breakdown

Before moving to the Vancouver or Victoria urban area, the majority of participants (45%, Appendix B, Table 27) lived in other cities such as Saskatoon, Edmonton, Prince George and Duncan after the marital breakdown. Over a third (34%) of participants moved directly to Victoria and slightly over a fifth (21%) moved to Vancouver after the marital breakdown.

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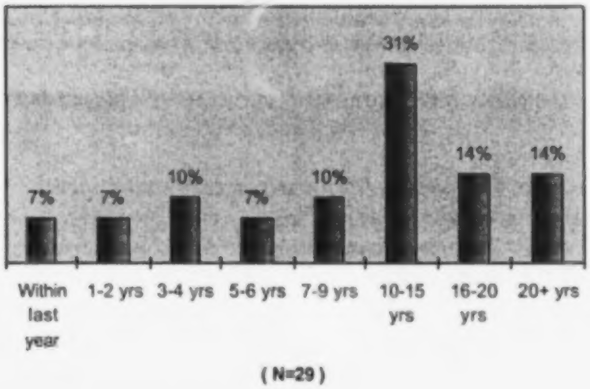

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Custody of Participant's Children after Marital Breakdown

For those participants (21) who had children with their former spouses, the majority (59%) had their children remain (48 of 60 children in total) with them after they left the reserve. For the remaining (20%) who left the reserve but not with their children, one of the main reasons given was financial considerations (a participant's former spouse was working and she was not). Other situational comments to contextualize the above proportions are that one participant's former spouse would not let her take the children off the reserve after the relationship failed and another participant's two oldest children left the home while the youngest remained with the former spouse.

Participants Who Immediately Left the Reserve after Marital Breakdown

Almost three-quarters (72%, see Appendix B, Table 29) of the participants immediately left the reserve after their marital breakdown (for reasons such as safety). The remaining 28% remained on the reserve for a short time. The reasons included a brief stay with family or temporary ownership of the home until the husband received the house in the divorce settlement. On average, participants reported having moved 4.5 times since the relationship ended, although three participants qualified their moves as "*way too many times to count*".

Location of Residence Post-relationship

The majority of participants (55%, see Appendix B, Table 30) moved within the province, while almost a quarter (24%) moved within the same city or town adjacent to their former reserve home. Slightly over one-fifth (21%) moved outside the province. In a dramatic case, one woman reported having moved 500 kilometres away to escape her husband, because she was still being harassed.

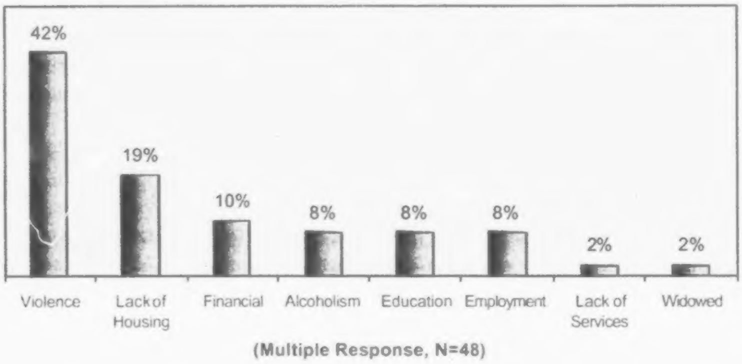
Reasons for Participants Leaving the Reserve

Figure 17 illustrates the total multiple responses given by participants on reasons why they left the reserve after their marital collapse.

Domestic Violence

As shown in Figure 17, participants had many different reasons for wanting to leave the reserve (identified by 69% of the participants). Many of the women gave multiple reasons for leaving (e.g., to find employment and to escape violence or because of the abuse and lack of housing). In the interviews, women rarely gave one "main" reason for leaving. Rather, they often gave several examples of reasons, which are interconnected. Clearly violence emerges as the predominant reason. Many women specifically named abuse as a primary reason for leaving the reserve. One woman left because of the lack of services or support for those experiencing domestic violence on the reserve. This was followed by lack of housing (19%) and financial reasons (10%). Escaping alcoholism on the reserve and pursuing education and employment in the city were all significant factors in a participant's decision to leave the reserve.

Figure 17. Reasons for Leaving the Reserve



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Some of the responses participants gave describing the violence they endured and indicating that it was a primary reason for leaving, included:

- *"... he would beat me up when the children were away"*;

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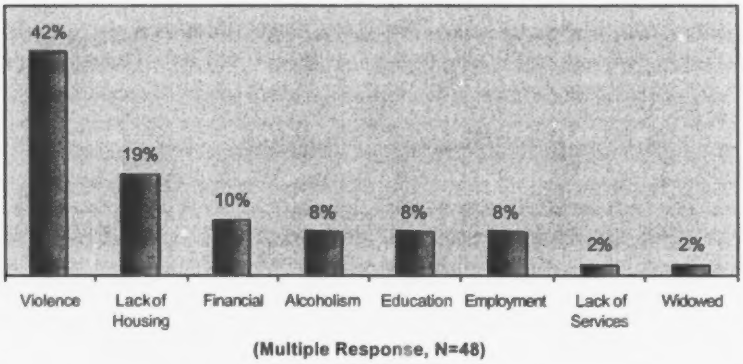


Source: Appendix B, Table 31.

Some of the responses participants gave describing the violence they endured and indicating that it was a primary reason for leaving, included:

- *"... he would beat me up when the children were away"*;

- *"At that point, it was either kill him or kill me"*;
- *"My children were never threatened, but my personal safety was threatened and I became suicidal"*;
- One participants' 15 year old son said to her spouse, *"Dad, I'll kill you if you ever hit her again"*. However, the former spouse tried to kill her when the children were out of the house;
- Another participant described how her former spouse *"beat her up severely one night and would take all her jewellery and sell it and then go to her workplace and demand money"*;
- In a particularly cruel case, a participant stated that after years of being beaten, *"I did not want to be stalked or harassed any more – I wanted to start a new life." "Last time he beat me up, I was in bed for two months and then I decided to leave"*;
- *"I had to leave him or he would have killed me – I had a cut lip open and cut / gash in neck / beaten up and tired of being beat up – I was tired of black eyes and being hospitalized"*;
- *"One of us would have ended up in a wheelchair, if I didn't leave"*;
- *"Bad situation, feared for my life and my child's life"*;
- *"I had nothing"*.

Yet another participant whose former spouse was the chief of the reserve stated, *"He put me into this wheelchair – extreme physical / sexual abuse"*. When she finally left, he brought the RCMP to the house. *"He had a copy of the* Indian Act *in his hand and he went through it, looking for something that would say that I could not leave the reserve – He had all the power and the band worker denied me welfare."* The participant also tried to get a restraining order through the courts. However, her spouse went to the judge, with whom he was friendly and told the judge that it was just a disagreement. The case was dismissed twice although the third attempt finally succeeded in securing the restraining order against her former spouse. Clearly, for many of the women, the decision to leave was multifaceted.

Housing

One participant indicated that there were *"no rooms"* on the reserve. She indicated that she "*would have stayed if there was housing*".

Division of Matrimonial Real Property when Relationship Ended

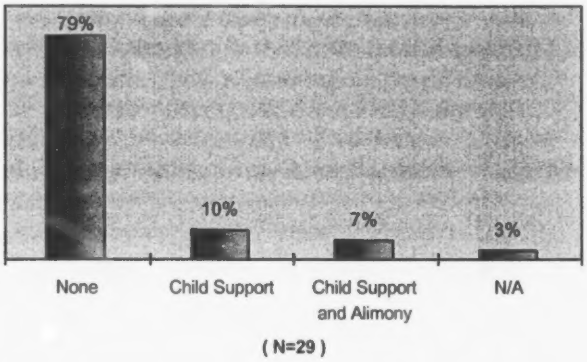
For the vast majority of participants (90%, see Appendix B, Table 32), there was no division of matrimonial real property when the relationship ended. Respondents gave explanations such as, *"He kept the house"*, or "*According to the band, the house was his*" and *"I was just there like I had no rights to anything in there"*. In one situation, the former spouse transferred the house to her and signed the papers. The participant had a copy and the band had a copy, *"but it did not mean anything"*. The former spouse decided to sell the house and the band let him do so. The band then moved her to a condemned house. This happened despite the fact that the band had a copy of the signed papers. Nor was it ever contested that the transfer was invalid for any reason. According to the participant, it was a proper and legal transfer of the property ownership to her. In another situation, the former spouse kept the house and all property. When she tried to take her clothes, etc., he claimed that she could not take any personal effects out of the house because it was all "reserve property". Another participant said that the house merely stayed in his name. Another explained that the house was not divided because he had the Certificate of Possession.

Three respondents (10%) were involved in some form of matrimonial real property division. In those three instances, one involved a widower where the "matrimonial real property division" resulted in the band council taking her house. Eventually, she did get a new house from her former spouse's oldest child. In another situation, neither spouse received the house. However, legal possession of the home is to be held by their son on reaching his 18th birthday. In only one situation was there a 50-50 split between the husband and wife.

Financial Support from Former Spouses

The majority of participants (79%, see Appendix B, Table 33) did not receive any financial support from their former partner, as indicated in Figure 18. One of the participants indicated that her former husband wanted to take her to court for financial support for him and his new girlfriend (there were no children from the marriage). Only five participants (17%) were able to secure some form of financial support from their former husbands. All five participants who had financial support obtained this through child support. However, most of these participants said that the money was only for one or two years, then the former spouse stopped making payments. Of those five participants who had secured child support, only two also had spousal support. Only one participant (3%) indicated that the question regarding financial support was not applicable.

Figure 18. Participants who Received Financial Support from their Former Spouses



Source: Appendix B, Table 33.

Employment Status of Former Spouse

When asked whether their former spouse was working and capable of supporting her or her children, participants' responses were equally divided. Forty-five percent (45%, see Appendix B, Table 34) of participants knew that their former spouse was employed and capable of providing financial support. Of the 45% who replied that their former spouse was either not working or working but not capable of providing financial support, most provided an explanation such as, "*He works on and off*", or girlfriend (there were no children from the marriage). Only five participants (17%) were able to secure some form of financial support from their former husbands. All five participants who had financial support obtained this through child support. However, most of these participants said that the money was only for one or two years, then the former spouse stopped making payments. Of those five participants who had secured child support, only two also had spousal support. Only one participant (3%) indicated that the question regarding financial support was not applicable.

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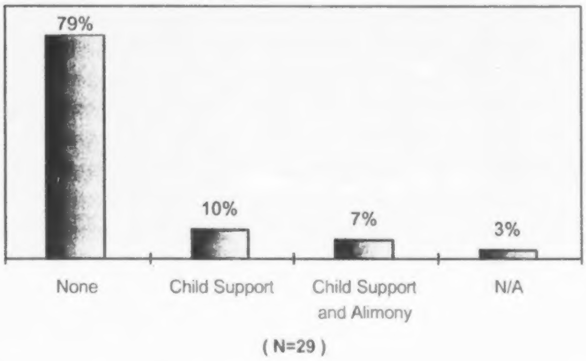

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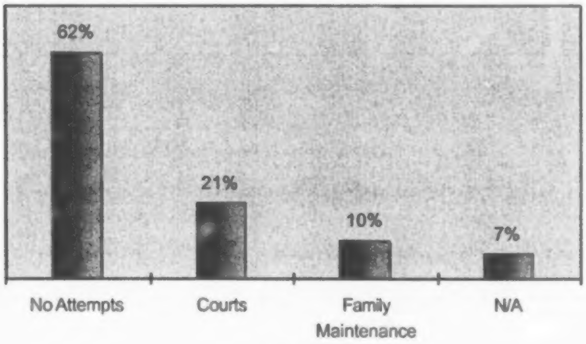
"*He is a student*", or "*He is a carver, so [it is] hard to determine his salary and he put everything into his new girlfriend's name to hide it*". Only one respondent did not know whether her former spouse was working. For two of the participants, the question was not applicable.

Securing Child Support Payments

Overall, participants were reluctant to pursue child support through legal action, as depicted in Figure 19. Sixty-two percent (62%) did not try to secure financial support from their former spouses. The reasons they gave included fear of their former spouse or as one participant put it, she "*just wanted to get out of his life*". Another respondent said that her former spouse threatened to kill her if she pursued child support. Just under one-third (31%) had tried to secure financial support from their former husbands. Of those participants, six (21%) used the courts and three (10%) used family maintenance. One of the respondents was successful in gaining child and spousal support and an order to divide the matrimonial assets equally. Only two respondents stated that this question was not applicable (7%).

Figure 19. Securing Child Support and/or Alimony through Courts or Other Means



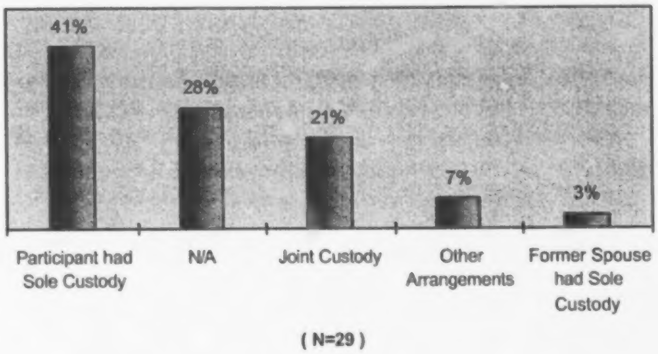
(N=29)

Source: Appendix B, Table 35.

Custody of Children

The most common situation for participants was that they exercised sole custody of their children (41%), as shown in Figure 20. One participant said that her former spouse had visitation rights when he was sober, but that he only exercised this right sporadically between relationships. Another respondent explained that after it was proven that her former spouse had sexually abused their children, sole custody was given to her. Alternatively, several respondents (21%) shared joint custody. Only one (3%) respondent indicated that her former spouse had sole custody of the children. Two (7%) respondents mentioned other arrangements, such as both spouses having sole custody over different children. For eight (28%) respondents, this question was not applicable because they did not have children with their former spouse.

Figure 20. Custody Arrangements of Children



Source: Appendix B, Table 36.

III THE TRANSITION

This section outlines the findings from those questions in the interview that qualitatively examine the transition period of the participants' life during the marital breakdown. These questions focus on whether and how the participant's social relationships in their communities and their interactions with organizations/institutions either exacerbated or eased the burden of their matrimonial breakdown experience.

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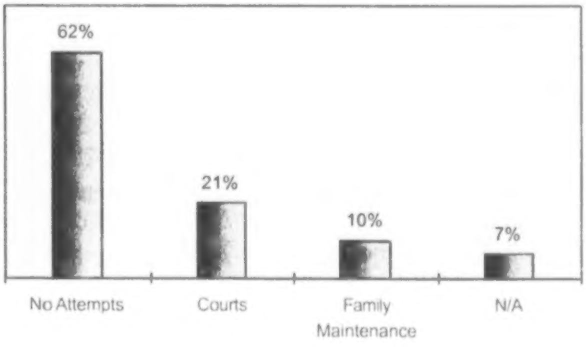

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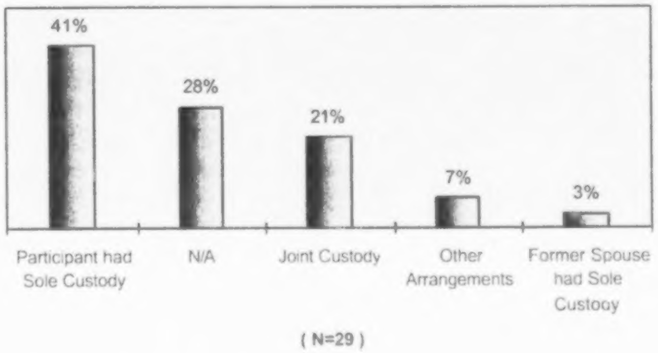

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Band Council

When asked about how the band council in their communities either helped or aggravated their situations, over one-fifth (21%, see Appendix B, Table 37) of participants indicated that they were far more obstructive than helpful (14%). Seven percent (7%) found the band council to be neutral. Surprisingly, over half (59%) did not use or involve the band council in their situation (not applicable).

Participants' examples of how the band council helped or exacerbated their situation included the following:

- one band council specifically told its members not to help a participant and told the participant herself to *"go back to where you came from"*;
- another band council did nothing to help a participant and the band worker gave the participant's former spouse the key to the participants' house on the reserve;
- one band council took a participant off the housing lst, thus denying her a house on the reserve because her former spouse had a house there. Statements such as *"he is from a high-class family"* and *"he had family on council and the cops were on his side"* were used to justify these actions;
- a band social worker helped a participant with her dilemma; however, the social worker's husband physically abused her for doing so;
- a band worker spread rumours about a participant abusing her children (hitting them). Although the participant formally complained to the band council several times, it did nothing;
- another band council provided a widowed participant with a condemned house to live in on the reserve.

However, there were also some positive examples of band council support for participants. These included the folowing:

- a chief and his mother gave a participant money for transportation;
- another chief urged a participant to leave her abusive spouse;

- a band council recommended that a former spouse enter a detoxification centre on the reserve;
- one band council provided *"lots of family support"* to a participant in need (e.g., clothing, etc.).

Participant's Own Family

Participants' families were reported to be extremely helpful (79%, see Appendix B, Table 38) for the most part. However, a small proportion of participants reported their families to be extremely hurtful (10%) during their marital breakdown situation. About 10% of participants responded that their families had not played any part because they lived so far away.

Overall, the participant's families were the single most helpful source of support. For example, their families provided a place to stay (45%), rides and transportation (34%), emotional support (17%), babysitting services (17%) and money (21%). Specifically:

- one participant's father, who was the chief on her home reserve, told her she could always come home;
- another participant's family encouraged her to pursue educational opportunities;
- one participant's family would call the RCMP when necessary;
- another participant said that her brothers provided protection for her at work by making sure that someone was there with her to ensure her safety;
- one participant's family helped her build a house on the reserve;
- another participant's family *"protected their daughter"*;
- one participant stated that *"my cousins and best friends were lights in the darkness"*;
- another respondent said that her family was supportive because of the violence in the relationship and physical and emotional abuse.

In contrast, participants who indicated that their families were harmful during the transition provided concrete examples of their behaviour. Specifically:

- one participant's sisters would physically abuse her sons when they were babysitting;
- one participant's family believed that "*traditionally, a daughter's place was in the home*" and did not want to know about her physical abuse, which re-traumatized her;
- another participant's family spread rumours about her former husband's infidelity and "*interfered and encouraged me to leave him and then they turned their backs on me*".

Former Spouse's Family

Overall, the former spouse's family remained helpful (28% see Appendix B, Table 39) to participants despite the breakdown of the relationship. Participants' qualified their experiences with their former spouse's family as follows:

- a participant's former father-in-law tried to reconcile the two;
- the former spouse's family tried to talk to the former spouse;
- the former mother-in-law and sister-in-law took over car payments;
- a participant maintained a good relationship with her in-laws and they respected her decision to leave;
- the former spouse's family maintained communication with their grandchildren and would send presents for birthdays, etc.;
- the former spouse's family provided financial and emotional support;
- the former sister-in-law continued to visit with her.

However, 17% felt that the former spouse's family had engaged in hurtful behaviour. Participants qualified these responses with the following statements:

- *"They talked badly in front of the children, gossiped and encouraged my ex to withhold money from me;"*

- another participant endured verbal threats like *"prepare for your funeral*";

- one participant mentioned the atmosphere of extended family gossip on the reserve during her marital breakdown;

- according to another participant, *"They saw me as wanting to bleed their brother dry when I went to court for child support and they called me a 'greedy bitch'."*

More than half of the participants (52%, see Appendix B, Table 39) felt that their former spouse's family had not been involved (not applicable). One (3%) participant said that her former in-laws were neutral because they were all afraid of interfering in his life. This participant (who had been abused) said that her former spouse had "*beat up his own mother*".

Participants' Personal Friends

The participants' personal friends were overwhelmingly helpful in most cases (45%, Appendix B, Table 40). They provided mostly transportation for the participant (21%), a place to stay (10%) or monetary support (7%). A lot of friends provided support or just talked with the participant (17%). Other friends provided protection or were non-judgmental. As one participant explained, "*I found out who my friends were*". Only one participant felt that her friends were hurtful, through gossiping. For 52%, however, the question about personal friends was not applicable because of geographical or psychological distance. In the latter case, the former spouses of these participants had alienated their friends as a means of obtaining control in the relationship. As stated by one participant, "*He was a very jealous man, could not have any friends*".

Friends through the Relationship or "Couple Friends"

Friends made through the relationship accounted for the single most hurtful factor to participants (34%, see Appendix B, Table 41). One-third were in this situation because their former spouse was having an affair with one of their "friends" made during the relationship. Participants indicated that the friends they made through the relationship reacted in the following hurtful ways:

- *"Judgments were made – that I should stay home with him";*

- *"[They] mainly took his side because women should stay home and be quiet";*

- *"Friends needed alcohol (dysfunctional) and always ended up fighting;"*

- *"I gave up support network and became ostracized by not being invited to groups (they would invite my ex only)";*

- *"Friends on the reserve gossiped";*

- *"It was my fault".*

Only seven participants (24%, see Appendix B, Table 41) indicated that the friends made through the relationship were supportive or helpful. In these cases, participants indicated that the friends provided rides, clothes, babysitting services, a place to stay or simply "support". Three respondents indicated that the friends made through the relationship were neutral and tried not to take sides. For many participants (31%), this was not applicable. Of these, two said that:

- *"Lots of people didn't want to help because he was so violent";*

- *"I was isolated because he kept me away from my friends".*

Work

For the majority of participants (86%, see Appendix B, Table 42), the question regarding work as a helpful or hurtful factor was not applicable. For the remaining 14%, half said that their employer and fellow employees were helpful during the breakdown of the relationship and half said they were harmful. Oh those, two of the participants indicated that their employers were not sympathetic to their situation at that time.

Service Organizations

For 14 (48%, see Appendix B, Table 43) participants, service organizations were helpful. Only one participant indicated that a service organization had hurt or worsened the situation (no details provided). For another 48% of participants, service organizations were not applicable. In fact, one woman stated that she was unaware of potentially useful service organizations by noting, *"I was not aware of any services at the time that could have helped"*.

The service organizations that participants found helpful provided counselling, opportunities to reconnect to their culture through button blanket making and transportation. Half (50%) of the participants who sought services said that a transition house or shelter helped them most. The majority of the service organizations were run by women (11 out of 14 responses). Three specific examples provided were:

- an informal group for battered women who had lunch every Wednesday – women did not discuss the abuse, but had homework assignments every week (i.e., journal writing);
- a paraplegic association that provided home support and legal advice;
- a "Family Mobile" – 24-hour Social Services mobile operation (not in British Columbia).

Advocate (representative or lawyer)

The majority of participants did not use advocacy services. However, five (17%, see Appendix B, Table 44) participants found advocates were helpful, while another 17% found them harmful. For those participants who indicated that advocacy services had helped, the advocates arranged for band meetings or had helped with the participant's welfare provisions. Advocates explained rights, helped obtain restraining orders, helped with custody of children and housing advocacy.

For the five participants who indicated that advocates were harmful, the reasons included:

- *"Lawyers don't know Native law on the reserve and off the reserve or about certificates of possession – had to use four lawyers in four years";*
- *"No lawyers would help me";*
- *"My ex threatened the lawyer and it didn't do any good";*
- *"The lawyer wanted me to press charges against my ex";*

- *"My lawyer was hired by my ex and the lawyer misinformed me about my rights and would tell my ex when my appointments with that lawyer were and my ex would always be outside the lawyers office waiting in his car*".

Only one participant felt that her lawyer had been neutral because of his limited involvement *("He filed for my divorce*").

Someone Outside of the Community

Almost half (45%, see Appendix B, Table 45) of the participants had someone outside the community who was helpful. These outsiders helped with transportation, money, information, resources, counselling, food, training and spiritual guidance. Five respondents (17%) named the police as specifically helpful either because of the police response (*"Five cop cars showed up*"), laying charges (one participant said the RCMP *'laid seven charges against my ex*"), arresting the former spouse (*"Every weekend the police were there and I was really scared and thought he would kill me if he was sentenced*"), or safety (*"There was an RCMP female officer who helped get me out and was with me constantly*").

For a minority of participants, outsiders were detrimental to their situation. Four out of the six participants specifically named the RCMP as obstructive forces:

- RCMP told the participant, "*You're wasting our time*" and blamed her for taking him back. The RCMP officer made it worse for the participant by telling her *"it's your fault*";
- RCMP would not escort her abusiveformer husband out of her house;
- RCMP apprehended the participant at the bus station when she tried to leave her husband. They escorted her to her house on the charge of *"deserting her children*". (She was not drunk or with her children. Leaving with them would have been "kidnapping" in those days; this happened in 1960.) Her children were with her mother who was taking care of them. Despite the fact that the RCMP knew her former husband beat the participant (she was in bed for two months because of one beating), they returned her to the house, telling her that *"everyone was mean to their wives*";

- Aboriginal RCMP called to the domestic dispute told the participant, "*Oh, it's you again*", after her then spouse had ripped off her clothes outside in the front yard (in front of children). Then the officers tried to persuade her not to call them again. They detailed the number of hours involved for paperwork and procedures for every call to the RCMP. The Aboriginal officer sat down with her and said, "*I always get afraid when I get a call for you because I never know when I will find you dead*". She had called the RCMP many times before, but her former husband had intimidated her into not showing up in court to testify.

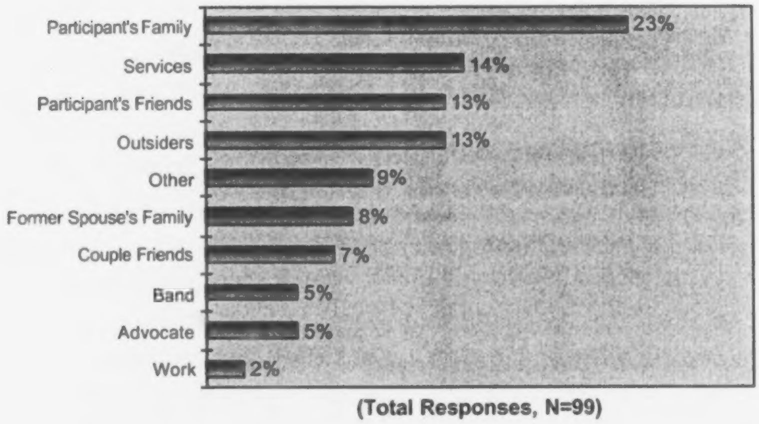
Another participant named the RCMP as a neutral outsider: "*The RCMP were involved but there was little they could do – just keep him in jail for one night.*" One of the participants named a judge as being hurtful to her case. The judge, who was a friend of her former husband, twice refused to give a restraining order. For about one-third of the participants (31%), the question of outsiders was not applicable.

Thirty-one percent (31%, see Appendix B, Table 46) of participants mentioned other individuals who were helpful. For example, a Catholic priest gave one participant and her child a ride all the way to Victoria from a remote reserve. Another participant received money for a bus ticket and food from a truck driver. The Edmonton police force was helpful to one participant when she was stalked by her former husband. They encouraged her to divorce him. Yet another participant turned to her former employer, where she had been a nanny for seven years. Other participants mentioned counselling services, meetings, a shelter or treatment centre. One participant mentioned band members related to her former husband who had been hurtful.

Overall Levels of Helpful Support

Figure 21 depicts the proportions of overall helpful support mechanisms that were reported by all participants.

Figure 21. Overall Helpful Supports



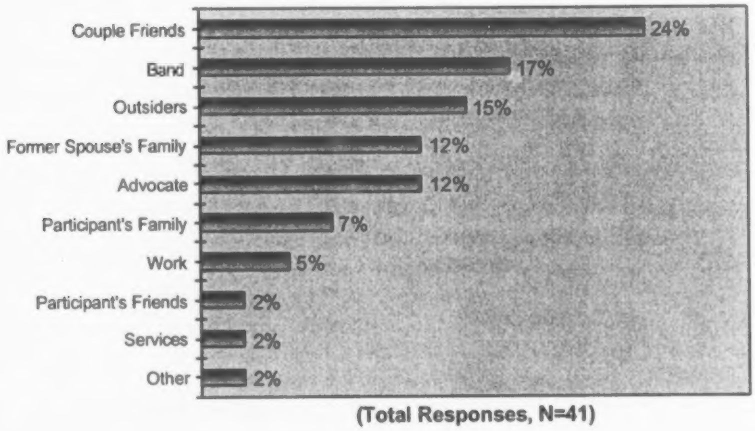
Source: Appendix B, Table 47.

Overall, the most helpful sources of support for participants were family (23%), followed by service organizations (14%), outsiders (13%) and her friends (13%).

Overall Levels of Support that Hurt or Hindered

Figure 22 depicts the proportions of overall support mechanisms that ended up hurting or hindering, as reported by all participants.

Figure 22. Overall Levels of Support that Hurt or Hindered



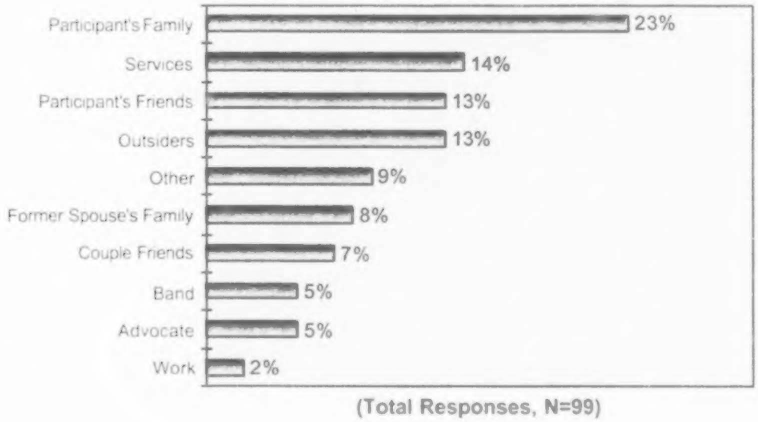
Source: Appendix B, Table 48.

The most hurtful or negative elements for participants were the couple friends, or friends made through the relationship (24%), followed by the band council (17%) and then outsiders (15%).

Overall Levels of Support that were either Neutral or Non-applicable

Figure 23 shows the overall proportions of support reported by participants that were either neutral or non-applicable.

Figure 21. Overall Helpful Supports



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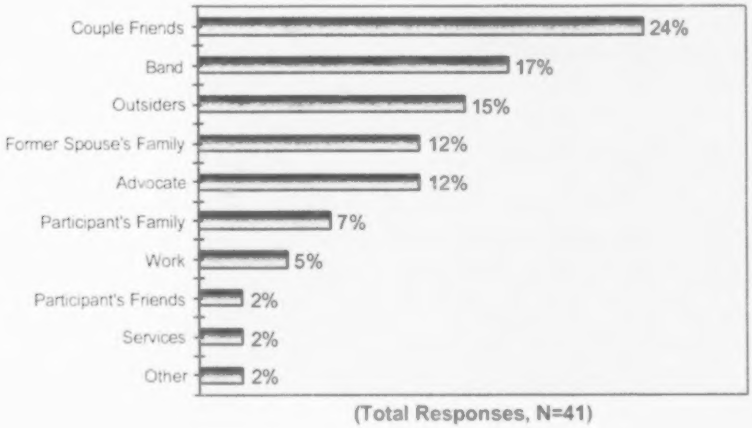

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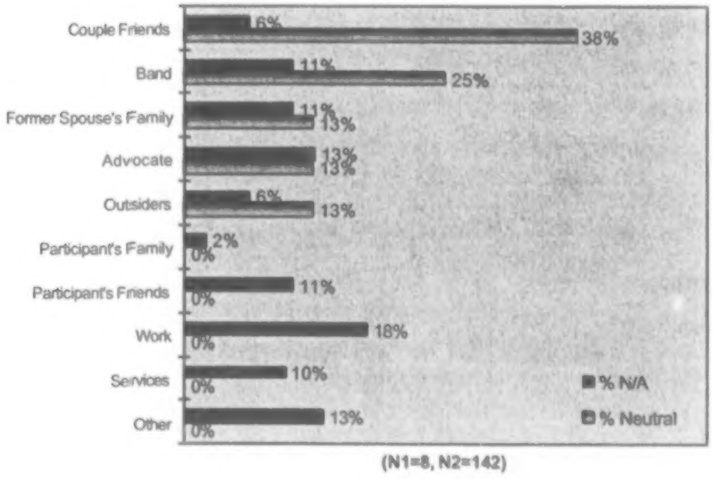
Overall Levels of Support that were either Neutral or Non-applicable

Figure 23 shows the overall proportions of support reported by participants that were either neutral or non-applicable.

Figure 23. Overall Levels of Neutral or Non-applicable (N/A) Supports



Source: Appendix B, Table 49.

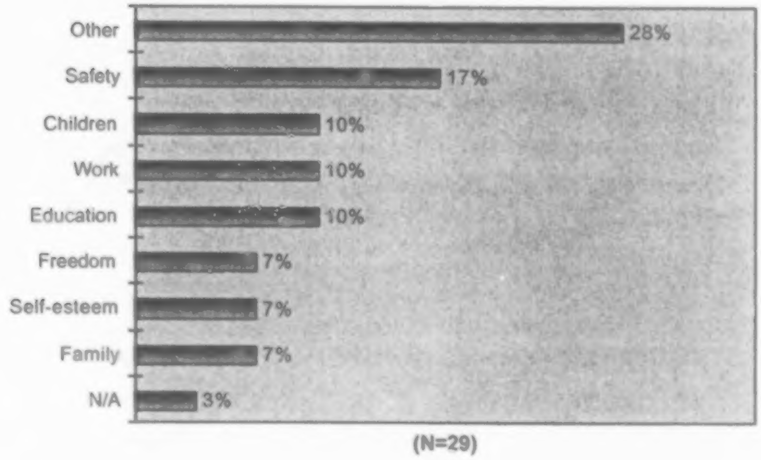
Respondents were least likely to turn to work colleagues, lawyers or other individuals as a source of support. In terms of neutrality in their situation, participants reported that most often their couple friends and the band council maintained their distance during the marital dilemma.

IV LIFE IN THE CITY

Positive Experiences

This section focuses on what the 29 Aboriginal women participants perceived as positive changes that resulted from leaving their reserve home. Figure 24 shows what participants perceived as the major positive change resulting from their situation. There was no dominating response overall. As well, the responses were quite different, which is no doubt due to the subjective nature of each participant's situation.

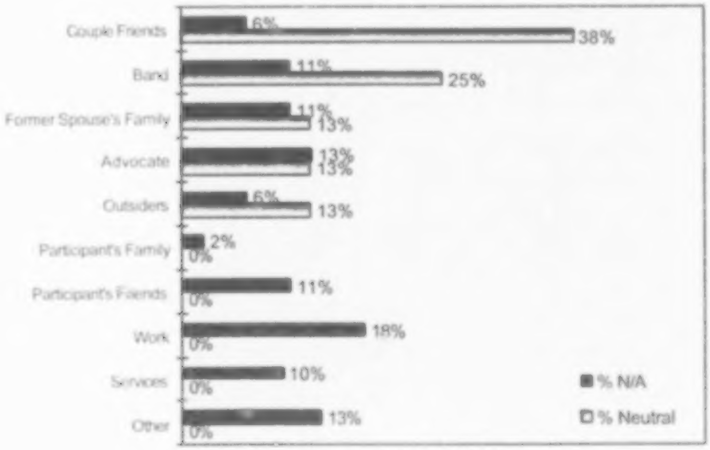
Figure 24. Positive Experiences after Leaving the Reserve



Source: Appendix B, Table 50.

Five participants (17%) mentioned personal safety as an immediate positive experience due to moving from their reserve home. They made comments such as, *"I felt safe – like a little kid – could go here and there and sleep and no one will come in"*, *"The fear of walking outside left – [it] took three months to get rid of the fear – not able to enjoy life earlier"* and *"Less stress; not being always afraid of his addictions – whether he would come home high or drunk"*. Three participants (10%) mentioned that finding work was a significant positive change. The respondents indicated that this helped bolster their self-esteem: *"gaining useful skills and value as a working person"*. Another three participants (10%) stated that positive changes occurred for their children. Three more participants stated that access to educational opportunities was another unexpected positive change for them. Other positive changes included an increase in self-esteem (2 or 7%), an improved relationship with their immediate families (7%) and having more freedom in their lives (7%).

Figure 23. Overall Levels of Neutral or Non-applicable (N/A) Supports



(N1=8, N2=142)

Source: Appendix B, Table 49.

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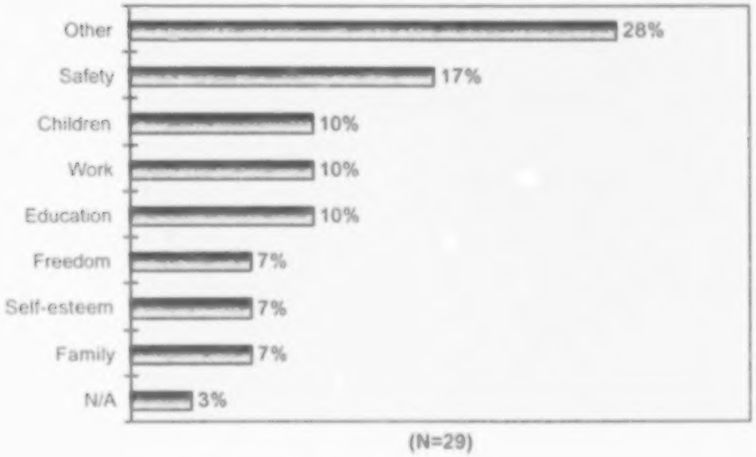

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Five participants (17%) mentioned personal safety as an immediate positive experience due to moving from their reserve home. They made comments such as, *"I felt safe – like a little kid – could go here and there and sleep and no one will come in"*, *"The fear of walking outside left – [it] took three months to get rid of the fear – not able to enjoy life earlier"* and *"Less stress; not being always afraid of his addictions – whether he would come home high or drunk"*. Three participants (10%) mentioned that finding work was a significant positive change. The respondents indicated that this helped bolster their self-esteem: *"gaining useful skills and value as a working person"*. Another three participants (10%) stated that positive changes occurred for their children. Three more participants stated that access to educational opportunities was another unexpected positive change for them. Other positive changes included an increase in self-esteem (2 or 7%), an improved relationship with their immediate families (7%) and having more freedom in their lives (7%).

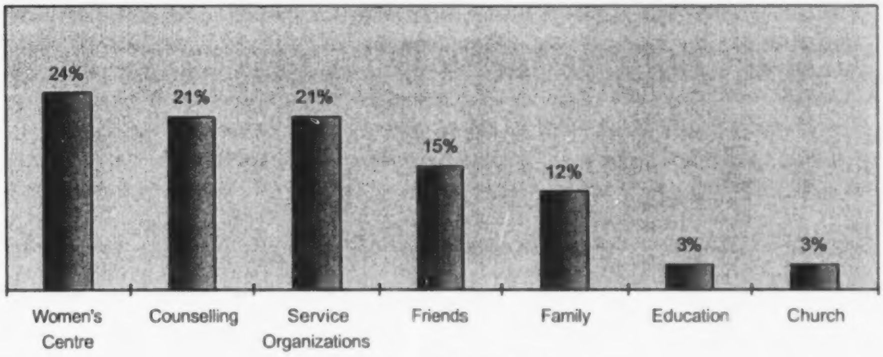
Many responses did not easily fit into categories. They ranged from basic living conditions, such as being grateful for running water and electricity, to sobriety and the availability of urban resources. Other comments included:

- *“Thank god I’m alive – hit in the head with a hammer four times and stabbed in the stomach and legs and arms – knowing that I am not alone – lots of women have gone through it”*;
- *Everything – freedom – free to pick and choose where to eat, what clothes to wear, it’s my own choice to take drugs now and not have them jammed down my throat”*;
- *“Don’t drink or smoke now; total change into better person”*;
- *“Everything changed – this is based on sobriety and personal development /family development – new skills and problem solving”*.

Most Helpful Supports

As noted above, several of the participants (24%) mentioned women’s centers or shelters as the most helpful support to them in their time of need (Figure 25). Counsellors were named as the next most helpful sources, together with service organizations (21%). Friends (15%) were reported by participants as a most helpful resource to them when their relationship ended.

Figure 25. Most Helpful Supports after Leaving the Reserve



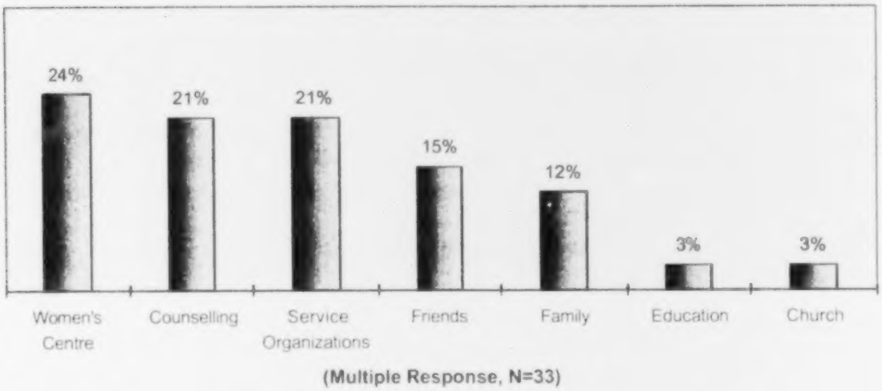
(Multiple Response, N=33)

Source: Appendix B, Table 51.

Finances

In terms of the participant's financial circumstances, responses were equally divided between improved situations (11 or 38%, see Appendix B, Table 52) and poorer situations (11 or 38%). For those who indicated an improved financial situation, all responses were tied to independence from their former spouses, such as, "*I'm self-sufficient now*", "*All the money is mine now*", "*Better because no one will come and hit me*" and "*Money is cleaner now (not through drug dealing)*". Those women whose finances had worsened provided reasons such as, "*I acquired his debt through the relationship*", "*I have no choice*" and "*On the reserve, there was access to the fish, seafood and traditional foods*". For 10% of the participants (3), their financial situation remained unchanged. Interestingly, 14% of the participants (4) indicated that their financial position had both worsened and improved. For two of those participants, their financial situation was worse, but improved once they pursued and attained their education goals. One woman replied, "*I have less money now, but a different lifestyle – no drinking, which is more practical and simple*".

Figure 25. Most Helpful Supports after Leaving the Reserve



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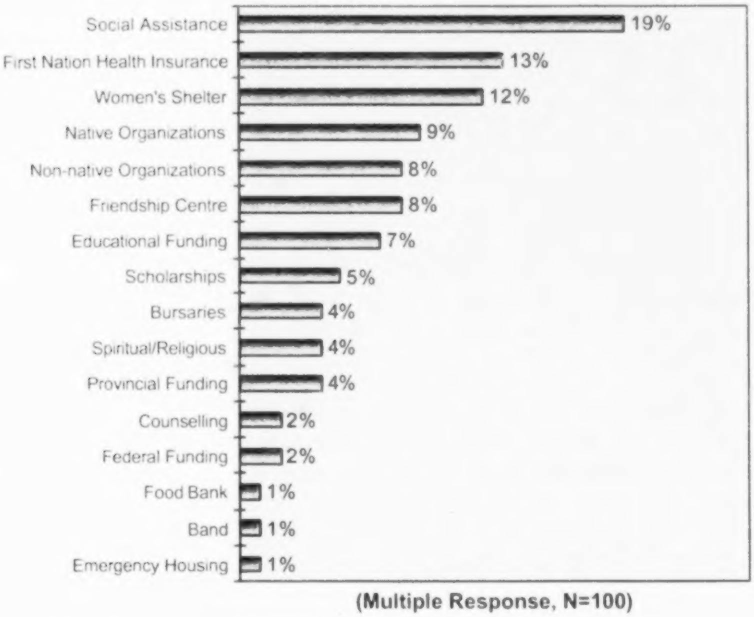
Service Organizations

The proportions shown in Figure 26 depict the various service organizations accessed by the participants.

Figure 26. Service Organizations Accessed by Participants



Source: Appendix B, Table 53.

When asked about the services they used, the 29 participants gave 100 responses (an average of four service organizations per participant). Two-thirds (66% or 19 participants) use social assistance in some form. About half of the participants indicated that they use First Nation health insurance (medical and dental). About half of the participants accessed the services of a women's organization. Approximately 40% of the

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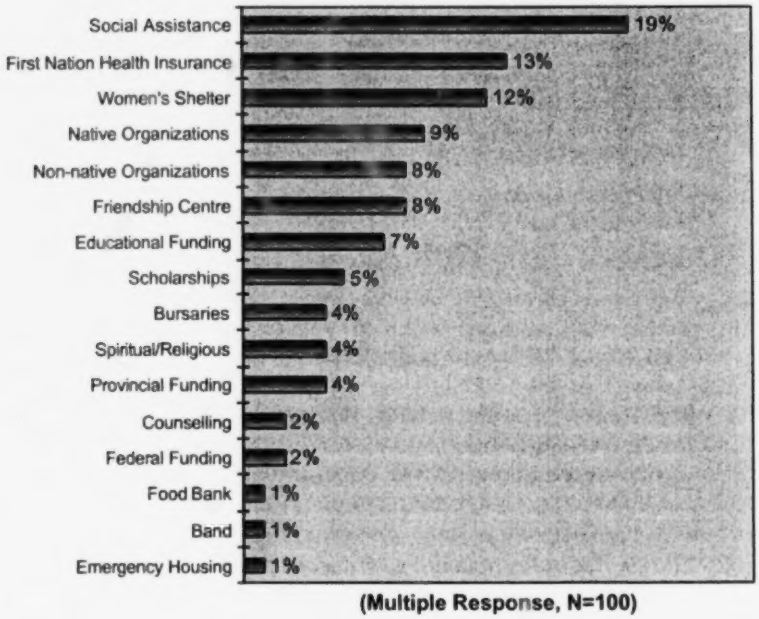

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Unexpected Changes

The majority of participants (79%, see Appendix B, Table 54) had to cope with changes they had not anticipated once they left their relationship. These changes included feelings of loneliness, of missing cultural opportunities on the reserve, denial of band education funding and worry about finances, to name a few. Other participants named the high cost of children's activities in the city, stress as a single parent and culture shock. One participant confided that her boyfriend had sexually abused her daughter when the girl was 15 and now, understandably, she finds it hard to trust men. Another participant was surprised when her children wanted to move back to the reserve and live with their grandmother.

Not all changes were negative. Some participants stressed free urban resources, eradication of fear and freedom in the city as positive outcomes of their departure. One participant said that "*I'm more positive in my outlook and I have no bruises – feel like a free person*". Several respondents, who had always been involved in a relationship, were pleasantly surprised to find themselves living on their own and taking care of themselves independently. One participant found unexpected support from another First Nation when her former husband and his relatives harassed her (i.e., they told her to "*prepare for your funeral*"). For 17% of the participants, there were no unexpected changes.

Perceptions of Impacts to Children

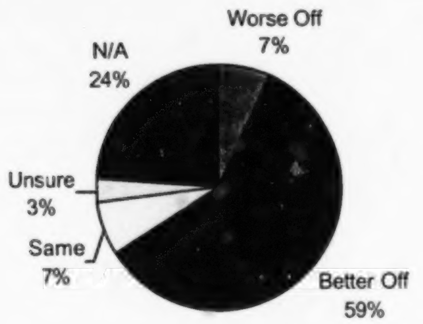
When asked whether or not their children or future children would be affected by their relationship ending, 14% (see Appendix B, Table 55) of the participants said that there would be no affect on their children. However, the majority of participants (62%) perceived that the children would be affected. For the remaining participants (24%), this question was not applicable because they had no children in their previous relationship on the reserve.

Actual Impacts on Children

When asked whether their children were better or worse off in the city than on the reserve in the relationship, a majority of participants (59%) felt their children were better off in the city (Figure 27). Respondents also reported that increased resources, training, better education and increased contact with the children's maternal family were all beneficial. Many respondents indicated that exposure to other cultures in the city was also a plus. Another respondent said that *"My son and daughter are both working"* and *"My kids are happier and have more self-confidence"*. The same participant also reported that her son had improved academically. Several respondents stated that their children had been adversely affected on reserve when the respondent was in the relationship:

- *"They were exposed to a deviant lifestyle on reserve and they have adopted the lifestyle"*;
- *"My children did not know why their dad could lock them out of the house and kick them off the reserve"*;
- *"I did the best thing by leaving. My children don't drink, but daughter does not trust anyone and does not want children"*;
- *"My children are happier away from reserve and happy for me, but my sons are bossy with women"*;
- *"My son knows about how abusive his father was"*;
- *"My daughter lives in fear because of her father"*.

Figure 27. Participant's Perception of Impacts to their Children



(N=29)

Source: Appendix B, Table 56.

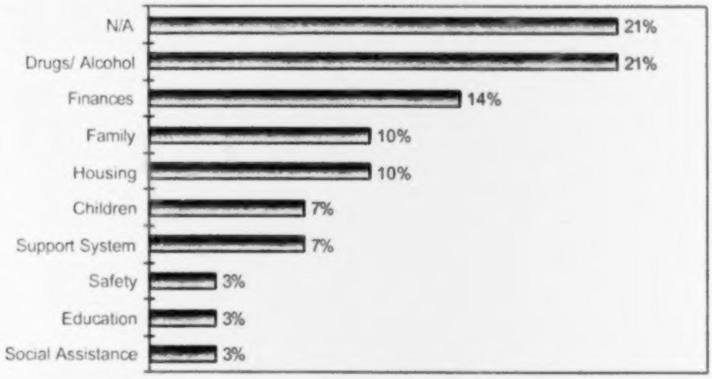
Only two participants felt their children were worse off in the city. One participant admitted that she was drinking and doing drugs at the time of the break-up and felt that her children would have been better off on the reserve. Many participants feared negative impacts, such as a loss of community, culture or connection to family. In addition, many respondents were concerned about access to alcohol off the reserve.

Two participants felt their child's upbringing was the same when they were in the relationship on the reserve as when they were off the reserve. One participant was not sure whether there was a positive or negative affect on her child and has maintained a connection to the reserve. Seven participants indicated that this question was not applicable because they did not have children while in their previous relationship on the reserve.

Negative Experiences

Twenty-one percent (21%) of participants named involvement with drugs or alcohol as their most negative experience since leaving the reserve (Figure 28). They said that *"bars were available – I was drinking weekends and during the week*", "*I turned to alcohol in the last three years*", "*I became an alcoholic because I was lonely without my kids*" and "*The only answer was to drink since my son's death*". For 14% of the participants, their finances suffered the most negative change after leaving their former spouses on the reserve. Women commented that there was not enough money to live on. For 10% of the respondents, lack of access to family was the most negative change. For 10% of the participants, finding housing was the most difficult issue: "*It is difficult to find housing because of racism.*" Two participants indicated that changes with their children were the most difficult issue, one because, "*Mom took my son away*" and another because, "*In the first year, my daughter clammed up and had attitude*". Other participants named concerns about personal safety, education and social services as the most pressing negative changes. For six participants, this question was not applicable.

Figure 28. Negative Changes from Leaving the Reserve



(N=29)

Source: Appendix B, Table 57.

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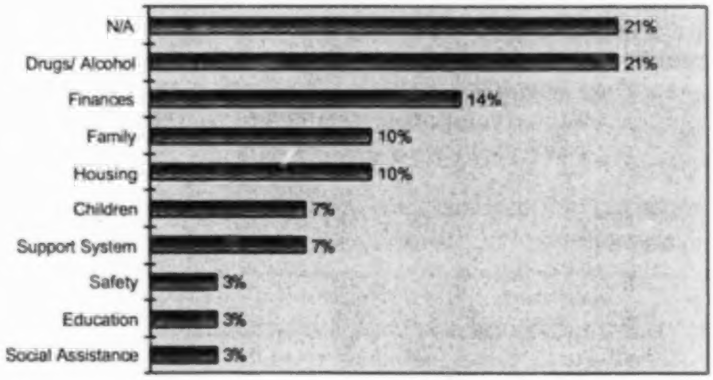


(N=29)

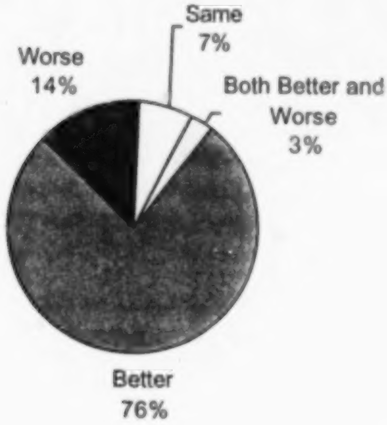
Source: Appendix B, Table 57.

Other negative changes included culture shock, loneliness, unemployment and racism. One participant stated, *"It is hard to raise four kids on low income"*. Another participant reported that her health worsened *"because of trauma – I was forced to leave my family, culture and friends"*.

Impact of Experience Overall on Participants and their Children

When asked about the impact on their lives and/or their children's lives, the majority (76%) of participants felt that leaving the reserve and the relationship had been a positive move (Figure 29). Only 14% felt that leaving had negative repercussions overall. Two respondents (7%) felt that their lives and/or their children's lives were unchanged. Only one respondent said that her life and her children's lives were affected both negatively and positively.

Figure 29. Perception of Impact on Participants' and/or Children's Lives



(N=29)

Source: Appendix B, Table 59.

Two of the 22 participants who responded in the positive provided more details:

- *"The children felt the tension and knew things were not right";*
- *"Better for everyone to change the cycle of abuse and violence and addictions someone has to stop".*

All four respondents who felt that their and/or their children's lives were negatively affected, provided more specific information:

- On the reserve, one participant's son was negatively affected by knowing and learning about violence;
- *"On the reserve, there is access to hunting and fishing and neighbours and the community";*
- *"Off the reserve, there are alcoholism and addictions";*
- *"Because I am separated*'.

Move Back to the Reserve

Although the majority of participants (76%, see Appendix B, Table 59) indicated that leaving the relationship and reserve was a positive step, the majority of participants (66%, see Appendix B, Table 60) said they would move back on to reserve land given the opportunity. However, some (14%) qualified this by stating they would do so only if housing were available. For another 7%, the choice to move onto reserve depended on the availability of employment. Asked to explain the contradiction of positive outcome of leaving and returning to the reserve, participants volunteered the following observations:

- *"Always lived on the reserve – there is a community feeling on the reserve";*
- *"Deep desire to help Aboriginal people and preserve Aboriginal culture";*
- *"Any reserve but his reserve";*
- *"If there was housing and work";*

- *"If I owned my house";*
- *"If housing was available – I have been on the waiting list for five years now – have to renew the application every year";*
- *"If jobs were available maybe – on reserve there is a high cost of living";*
- *" Yes, nice and peaceful on the reserve – no ugly stuff like in the city (drugs and prostitution)";*
- *"Yes, to take care of grandchild";*
- *"If I had my own house";*
- *"Yes, because now my ex has passed away";*
- *"Yes, because I am the oldest in my family and both parents have gone, traditionally I had lots of responsibility".*

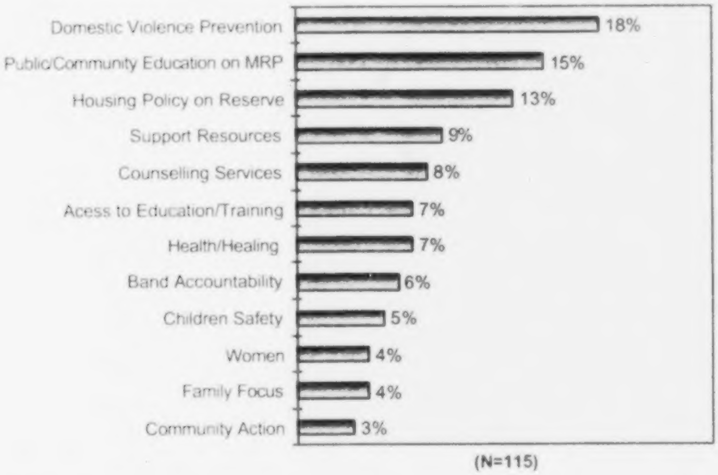
About one-third of participants answered in the negative. Their many reasons included:

- *"Not at this time when grandchildren (in the city) are being born";*
- *"Too unhealthy on the reserve, it's not about healing, it's where problems began";*
- safety concerns;
- "No one wants to go to AA and there is the high cost to get to the reserve";
- *"Too isolated on the reserve";*
- *"No, not his reserve";*
- *"No, because of the people on the reserve";*
- *"No, because I applied for housing and was refused – the band said that I have not lived on the reserve long enough to qualify for housing".*

V MAKING A DIFFERENCE: PARTICIPANTS RECOMMENDATIONS

This section examines the findings of two open-ended questions asked of participants in the interview schedule. The first question asked the participant if they were a community leader, what two things would be the most important to begin doing to help Aboriginal women and/or Aboriginal children who are at risk of experiencing matrimonial breakdown on a reserve? The second question asked the participant if there was any specific information or resources that would have been useful to them and their children during the breakdown in their relationship. Because a defining element of open-ended questions is the unpredictability of the types of responses given by participants, an effort was made to make these responses coherent and to categorize the responses into broad themes. Figure 30 displays graphically the various categorizations of all responses (115 in total) to these two questions.

Figure 30. Participants' Recommendations by Subject Area



Source: Appendix B, Table 61.

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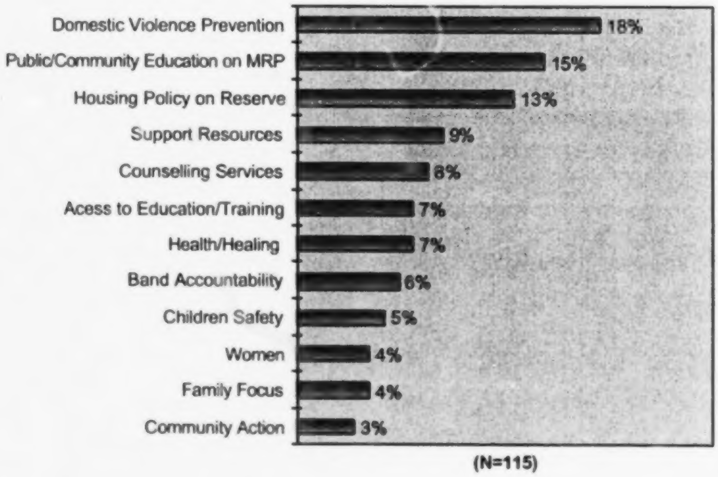

Source: Appendix B, Table 61.

Domestic Violence

Almost three-quarters (18% or 21 participants) of the participants stressed the importance of domestic violence intervention and prevention. Respondents' recommendations included the following:

- more shelters for women and safety protocols for Aboriginal women including alarm necklaces;
- access to clear and concise information about shelters (i.e., who to call, shelter policies, etc.);
- zero community tolerance for violence (safety should be the community's first concern);
- public acknowledgements about violence in Aboriginal communities.

By far the most common recommendation was that there be **more shelters** for women and in particular, that these shelters be managed by Aboriginal people for Aboriginal women and be readily available.

Many women had specific concerns about **transportation** in order to escape a dangerous domestic situation on a reserve. They felt that there should be a phone number for women on the reserve to call for transportation. Others recommended a travel allowance for women who want to leave the reserve (by taxi, bus or plane). Others felt that instead of an individual woman having a "safety plan" (when she wants to leave an abusive relationship), there should be a **Community Safety Plan**. This community safety plan should include band workers who are on call after business hours, who carry cellular phones with them and co-ordinate and collaborate with the RCMP on domestic violence matters on a case-by-case basis. The RCMP would then provide assistance and back-up to the band worker in order to provide safe and secure transportation for abused women who want to leave the reserve at any time of the day or night.

The following comments demonstrate how fundamental the need for transportation is:

- *"Getting from A to point B is where they (Aboriginal women) need the help";*
- *"Everyone's watching you on reserve and you can't pack a change of clothes and hide it somewhere";*

- *"When you walk out, you walk out with what you've got on – it's just straight – gone".*

Public/Community Education

There were 17 responses in this category (or 59% participant input), revolving mainly around **legal education**. Participants felt that there should be information and education programs about **rights on the reserve** – band members' rights, band policy, the *Indian Act*, human rights, matrimonial real property rights, property rights and training for lawyers on these legal matters. The participants also recommended creating a position for a **legal advocate**, paralegal or lawyer on a reserve for community members. Quite often, participants mentioned the usefulness of a **manual of resources** for Aboriginal women on a reserve.

Other recommendations for community and public education included classes on parenting and relationship skills and building.

Housing

Half of the participants contributed comments about this issue (52%). These comments centered on four main recommendations:

A. Matrimonial homes should be **registered in the joint names** of both spouses for mortgages, certificates of possession and other forms of registration.

B. The matrimonial home should **remain with the spouse who retains custody** of the children (either the male or female spouse). This principle would place the well-being of children first. These rules should be clearly defined and consistent procedures should be well-known to the band council and all band members living in the community.

C. There should be **more affordable housing** for women, seniors (around 65 years old) and Elders (over 75 years old). The participants felt that there should be more affordable housing *on and off reserves*, including housing rentals and rent-to-own housing. To help make housing affordable on reserves (especially rural reserves), wood stoves should be provided so that heating expenses are lower.

D. **Quality housing** should be made available to Aboriginal women. Participants felt that condemned housing should not be made available as a token to Aboriginal women experiencing marital breakdown (one participant reported that the mould in the walls of a condemned house made her children sick).

Support

About one-third of the participants raised the issue of **funding support** and/or **support workers.** These comments ranged from the direct such as "*provide more funding for Aboriginal women*" to recommendations that there be a support group or person to provide impartial advocacy, or support for young mothers in urban settings. Another recommendation was to establish an Aboriginal Welcoming Committee in Vancouver and Victoria. This would be similar to the Toronto model – an Aboriginal volunteer organization whose drivers go around Toronto late at night providing food, blankets and transportation to Aboriginal people on the street.

Counselling

Counselling was cited as a priority by 31% of respondents. Many participants simply responded "more counsellors." Participants linked counselling to the prevention of domestic violence. Counsellors should offer First Nations-appropriate counselling and not stereotype Native people as "drunks". One participant commented that if counselling had been available to her, she would not have turned to alcohol. Participants generally saw counselling as positive and supportive, both as a preventative measure and following a difficult event.

Education and Training

Several participants (28%) provided direction on this policy area. Many of their responses were brief, simply stating "schooling" in answer to the question. More specifically, they recommended:

- more Early Childhood Education training;
- reward system for children attending school;
- more communication training.

Healing/Health

Twenty-eight percent (28%) of participants provided suggestions related to healing and health priorities. These included:

- preventative medicine *"not just emergency treatment";*
- healing work to *"help in understanding where I was at that time (traditions/colonization) and my community and First Nation";*
- healing/educating, "*making room for new knowledge, like digging out a garden – get rid of old knowledge and fertilize and plant new seeds – this leads to empowerment*";
- understanding the dynamics of domestic/lateral violence *"because the federal government hits the community and Aboriginal women and children are the impacted ones";*
- understanding the connections between patriarchy and European religions and government oppression;
- education about abuse (mental/emotional).

Band

Participants made several specific recommendations focusing on band council accountability and responsibility to its membership. These included the following:

- the need for community-sanctioned, band-supported mediation processes to resolve disputes;
- clear, transparent and unambiguous explanation of band policies, rights and codes for band members;
- band council should regularly provide to its membership a band policy manual and resource book;
- initiatives to hire and retain women to work at the band office;
- bands should take the lead to support abused band members and to provide sensitivity training to all band office workers;

- bands should include band members living off the reserve in various funding support (i.e., education assistance);

- bands should send out regular communications to band members and include members living off the reserve;

- where the band provides housing rentals based on employment income, this housing rental should be adjusted more often and regularly (i.e., e very month where rental is based on 25% of income);

- band should provide revised housing eviction notices for all band members (regardless of gender or relationship to band councils). Eviction orders should only occur if the person appears before a provincial court and provides proper eviction notice and other proper procedures;

- certificates of possession or other contracts on a reserve must be legally binding.

Children

There were six comments on this topic, such as ensuring that children are the **number one priority**. Specific recommendations included a juvenile treatment centre for Native youth and counselling for children.

Family/Elders

There were only five comments in this area. Participants felt that families have to be involved in **decision making**, particularly grandparents. They felt strongly that families should be kept together in one home and if that is not possible, to place the family in the same community.

Community

There were only four comments in this area. Participants said that the community has to come together through arrangements like annual **feasts** or community conferences. One participant suggested that a **Community Action Committee** be organized by female community members as a catalyst for positive change. This Community Action Committee would examine community needs and make recommendations to (male-dominated) band councils in a non-threatening manner, starting with small requests. However, any Community Action Committee would challenge band accountability when it felt the need to elicit positive action.

VI CONCLUSION

All participants, who were brave enough to share their experiences and feelings for this study, which centers on a traumatic and negative period of their lives, are to be admired. Through their collaborative efforts, one of the primary objectives of this research study has been met; that is, to qualitatively document the various social and economic impacts on Aboriginal women and their children facing matrimonial breakdown on a reserve. Throughout the study findings, there is evidence time after time of the physical, psychological and spiritual pain that these women had to endure. However, in the end, they ultimately became survivors.

The study findings also show a consistent story among participants along many dimensions. For example, many participants started off as property owners on a reserve with their former spouses, but are now currently living in rental or subsidized housing off the reserve. Only one participant indicated owning her current home. The majority of participants are living in poverty and are currently unemployed with an annual income below $10,000. The vast majority of participants were unaware before their relationship ended about the lack of matrimonial real property provisions in the *Indian Act* or any band by-laws or procedures regarding the division of matrimonial real property on a reserve. Almost three-quarters of participants immediately left their reserve home on their marital breakdown. The rest remained on the reserves for a short time thereafter. In the end, however, all participants relocated to urban areas in British Columbia. For those participants who had children with their former spouses, a minority received child support and only for a limited period after the marital breakdown even though almost half of the former spouses were employed. However, the most startling finding that resonates throughout this study was the disclosure by over two-thirds of the participants that the main reason for leaving their former spouse was due to domestic violence. For the participants in this study, there is clearly a link between matrimonial real property rights on the reserve and domestic violence.

In the beginning, most participants held some form of property with their former spouse until domestic violence left no alternative except to leave the reserve. Because many of the participants also retained the custody of their children at this time, the result of a family disruption to move off the reserve will undoubtedly affect further generations. Research conducted by Hull[15] analyzing Census data on Aboriginal single mothers and their children clearly shows that they are particularly disadvantaged in relation to other Canadian families, especially when living in urban areas. While many of the women in this study experienced the negative implications of moving off reserves to urban areas, there are examples of positive changes. Participants mentioned safety, employment and educational opportunities and personal freedom and self-esteem as some of the positive changes that occurred after leaving the reserve. Participants were equally divided on their perception of whether or not their financial situation improved after leaving the reserve. Surprisingly, over half of the participants indicated that they thought that their children were better off living off the reserve than in their former relationship on the reserve. The main reason used to support this view was linked to the domestic violence situation that was experienced while living on the reserve with their former spouse.

Obviously, there has been a social and economic cost for Aboriginal women and their children for not having matrimonial real property protocols in the *Indian Act* or at the band council level of government. Several provincial Court and Supreme Court of Canada cases, notably the *Derrickson vs. Derrickson* case, have not resulted in any changes to the current situation. Despite these attempts to elicit change, Aboriginal women and their children continue to be at risk for losing their reserve homes and living in poverty, especially if their familial situation was cast in the shadow of domestic violence. Therefore, the question remains about how this research can be positioned federally and at the community level so that the momentum for change can continue to flourish and evolve. Perhaps a second, more subtle objective of this research study is to support change in the current thinking of matrimonial real property issues on a reserve from a legal risk and benefits perspective to an open and thorough consideration concerning the associated social, economic and generational costs of doing nothing. We have already witnessed through the participants of this study, what the qualitative dimensions of some of these costs are. However, the intention of this research was never to be comprehensive, but to be an exploratory and necessary first step into examining all the issues surrounding matrimonial real property on a reserve.

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[15] "Aboriginal Single Mothers in Canada, 1996, A Statistical Profile", Jeremy Hull, 2001.

There is much yet to be examined and quantified to reach a more fully developed understanding of all issues associated with matrimonial real property rights on a reserve. Further evidence-based research in the areas of legal dimensions and implications of matrimonial real property, current land ownership mechanisms used on First Nation reserves and other case studies in other jurisdictions including the international scene would surely help support and motivate any further federal policy discussion and development. However, as indicated by the participants in their recommendations for change, there is a current need to have resources in place to alleviate some of the immediate crises facing Aboriginal women undergoing marital breakdown on a reserve. It is unknown at this time if the current resources committed to this situation through various federal and provincial agencies are having any effect in alleviating these crises. Furthermore, a less-mentioned recommendation for change reported by participants hints at the long-term and more challenging prospect of Aboriginal communities themselves taking control and ownership of the matrimonial real property issue on a reserve in a holistic, open and inclusive manner to help heal and strengthen community well-being. This point cannot be overlooked in any future process or policy development that strives to come to a better understanding and to support better social and economic outcomes for all those affected by this important issue.

APPENDIX A

Final Interview Questionnaire *January 24, 2002*

Aboriginal Women & Impacts of Matrimonial Real Property Regime

File # ....

Date & time ....

Location ....

Screening Questions [should do this by phone in advance - confirmation only here]

I need to be sure of some background factors before we start:

A: Were you and/or your husband or common-law partner once the owner or renter of a household on reserve?

Yes No (If **No**, then the interview is complete. If **Yes**, go to next screening question)

B: Did the relationship break up, end or change through widowhood?

Yes No If **No**, then interview is complete.)

C: Did you have a choice to stay on the reserve when the relationship ended?

Yes No (If **YES**, then interview is complete.)

If candidate is screened into the next phase of the questionnaire, **informed consent should be verified** with the candidate before proceeding.

Preamble

Welcome - My name is ...., I am researching how rules regarding the division of matrimonial real property affect Aboriginal women living on reserve. I will be interviewing about 20 - 30 Aboriginal women to learn about your stories - what your experience was and how things have changed for you now that you live in the city.

Your participation will be helpful to explain how rules and policies really make a difference in the lives and choices of Aboriginal women and their families.

Your answers are completely confidential, no names will be used in my final paper. Here is my business card if you want to ask me any questions later, or if you wish to receive a copy of the paper in April.

There are 4 sections to this interview, which will take around 40 minutes to complete. Feel free to ask me any questions as we go along.

Part I: Background/Demographics

Just a few questions on your background:

1. Were you raised on reserve? Yes__ or No___

2. What was your marital status before the relationship ended?

married___ traditionally married____ common-law___ divorced___

What is your current marital status?

Single__married__traditionally married___ common-law__ divorced__

3. How old are you? ....

4. Which First Nation or Band are you from? ....

Are you a member of your Band? .Yes__ No___

Do you have Registered Indian Status? No ___ Yes____

---If Yes, Are you a Bill C-31 registrant? Yes__No___

5. Which reserve did you live on with your former husband/common-law partner? ....

How long did you live together on reserve?

less than one year ___1-2 years ___ 3-4 years __ 5-9 years __10 years +__

6. Did you rent on reserve? Yes___ No__ If yes, in whose name? His___Yours__ Joint__

If no, did you own a certificate of possession? Yes___ No___

If yes, whose name was it in? Yours? ___Joint?____

*If either yours/joint, then why did you leave the reserve?______

His?___ (*if so why?_____________)

7. Were you both from the same Band?

Yes___ No____If not, where is he from? _____________

Does ne have Band membership? Yes____ No_____

8. How many children did you have with your former common-law husband? ....

How old are they? ....

Do they have Registered Indian Status? Yes___No___

Are they members of your band? ____father's Band?___ No Band?__

9. What is your highest year of schooling?

Elementary__ Some High School___ Grade 12___ Some post-secondary___

Diploma___ Undergraduate Degree____ Graduate Degree_____

Are you currently attending or enrolled in school? Yes___ No___

10. Are you currently working? No___ Yes___ If yes, P/T___ or F/T___

If yes, what do you do? ....

What is your annual salary range:

under $10,000___ 10-20___ 20-30__ 30-40___ 40 and over___

What other kind of income support do you get?

welfare / social benefits______

employment insurance______

self-government/treaty payments____

child support _____

Alimony _____

other?_____

11. Finally, what is your current living arrangement in the city:

House__apartment___ cooperative___

Rent__ Subsidized Rent___ Own___

Adults (including yourself)___children___ bedrooms___

How many times have you moved in the last 5 years? ____

Part II: Awareness of Existing Regime

A couple of questions about your awareness of how things work on your reserve (the one where you were living when the relationship ended). These things aren't always obvious so please just answer what you know.

12. Were you aware of the laws, band rules or bylaws regarding the division of matrimonial real property on reserve before the relationship ended? (assess and probe: certificates of possession and their use, band bylaws/rules, Indian Act etc.)

13. Were there any Band rules about who gets to keep the matrimonial home when a relationships ends?

Yes__ No__ Don't know___

Can the either spouse keep the house if s/he wants? Yes__ No__ Don't know___

Is there other housing available if a person wants to stay on reserve? Yes__ No__ unsure_

(**Ask the following question only if** respondent has a high level of awareness of the division of matrimonial property on their previous reserve)

14. Was the band consistent in applying band rules or bylaws for real property division after a separation or divorce? (Probe: for fairness/consistency in all cases, any differences and if so why, outcomes depend on circumstances of the case)

Part III: Your story

Ok, now I'd like to know a bit more about your story, we have about 15 minutes for this and I'll show you the questions beforehand. This is in 3 parts: the break-up, the transition and life in the city.

[I'd like to tape this part if it's ok for you so I can just listen and talk now and not write notes - is that ok?]

(A) The Break-up

15. How long ago did your relationship end?

within the last year__ 1-2 yrs__ 3-4__ 5-6__7-9__ 10-15__15-20__20+__

Where did you live once it was over?____________

Did your children stay with you? Yes__ No__If no, why not?___

Did you move off reserve right away? Yes__ No___

How many times have you moved since then?___

How far away did you move?

Same town/city____ Within province__outside province___

16. What was the main reason you moved away from the reserve? WHY?

No access to reserve housing ___

Financial reasons___

Family violence___

Better jobs in city ___

Better schooling for children___

Widow____

Other___

17. Were there any other reasons that you moved off reserve? No__Yes__ If yes, list______

18. Was the real property divided upon separation/relationship break down? Yes__ No__N/A_

If yes, what were the results?

Did your former husband or partner provide financial support? Yes__ No__

Child support__ alimony__other___

*Is your former husband or partner working and capable of supporting you or your children? Yes__ No___Don't Know___

Did you try to secure financial supports from your former husband or partner? Y__ N__

Courts___ Talking Directly to Spouse___ Other___

What were the arrangements for custody and access?

Sole custody with you__ sole custody with father__ joint custody__

No arrangements___ Other arrangements____

(B) The Transition

Ending a relationship is hard for everyone. Yet there are some things that people do that can really make a difference - for better or worse. In what ways were the following people/groups helpful or hurtful in dealing with the transition out of the marital home? (Probe respondent how the person/organization was helpful, made things difficult/hurtful or was not applicable to the situation)

	How Helpful	**How diff./hurtful**	**Neutral**	**N/A**
Band Council				
Respondent's Own Family				
Spouse's Family				
Respondent's Personal Friends				
(excluding immediate family)				
Friends through the Relationship				
(excluding imam. family)				
Work				
Service organization				
(specify type)				
Advocate (representative or lawyer)				
Someone outside community				
Other				

Note: Interviewer should note that these categories are not mutually exclusive and that some individuals may overlap in these categories. It is important to determine the primary role this person held during the relationship breakdown of the respondent. For example, a personal friend of the respondent may have been a band councillor. They may have been approached by the respondent in both capacities to assist the respondent.

(C) Life in the City

The transition from living on a reserve then in an urban area must have been a profound change on yourself and your children.

Positive Experiences:

19. What were some of the best changes that occurred once you left the reserve?

[Listen for/probe: Work Family Personal Safety Children Education Social Services Social/Cultural Activities]

20. What supports were most helpful?

21. Is your money situation better or worse than on reserve?

22. Do you use any of these services:

A. (Federal) Head Start Program

Aboriginal Friendship Centers, Art Grants,

B. (Provincial) First Nations Health Insurance (drugs and dental)

Aboriginal Women's Shelter, Business Loans, Employment Job Search Org.

C. (City) Social assistance, scholarships, bursaries

D. (Band) Educational assistance ……..

E. (Private/Foundation) Aboriginal Support Centers

F. Women's organizations, NGO's....Indian Homemakers of BC, Pacific Ass'n of FN Women, Women Warriors Against Violence, Aboriginal Women Action Network

23. Were there any unexpected changes since you left the reserve?

24. Will your children or future children be impacted because you left the reserve? How?

Are your children better or worse off- than on reserve? Why?

Negative Experiences:

25. What got worse (or stayed bad) once you left?

[Listen for/probe: Work Family Personal Safety Children Education Social Services Social/Cultural Activities Family Support System]

26. What services were/are least helpful? Why?

27. As a result of leaving the reserve, is your life and your children's life:

Same___ better___worse___

28. Would you move on reserve if you had the chance? Yes__No__ Why?__________

Part IV: Making a difference

This is the last section, where I'd like explore some of your ideas.

29. If you were a community leader, what 2 things would be the most important to start doing to help Aboriginal women and/or Aboriginal children?

Probe: Political representation

More housing

Employment

30. Is there specific information or resources that would have been useful to you and your children during the breakdown in your relationship?

[Listen for/probe: explanation of and access to band rules/bylaws/Indian Act, on reserve marital counselling, awareness sessions for Aboriginal women etc.]

Closing Remarks

Well, that's all. Do you have any questions to ask me?

I have some information for you on local services and supports. Please feel free to share this with others. Thank you for sharing your story with me and explaining what has happened in your family. I will do my best to make sure your words make a difference. Thanks for taking the time in sharing your experiences with me today.

APPENDIX B

Urban Aboriginal Women in British Columbia and Impacts of Matrimonial Real Property Regime

Detailed Questionnaire Tables (* Attention should be brought to the readers that all proportions shown in the Tables have been rounded up to the nearest integer.)

I. PARTICIPANT DEMOGRAPHIC

Table 1. Participants' Age Distribution.

Age Category	%	# of Participants
15-24 yrs	0%	0
25-44 yrs	66%	19
45-64 yrs	34%	10
65+	0%	0
TOTAL		**29**

Table 2. Participants' First Nation Origin.

	%	# of Participants
British Columbia First Nation Origin	62%	18
First Nation in other Provinces/Territories	31%	9
United States Native American	7%	2
TOTAL		**29**

Table 3. Band Membership and Registered Indian Status of Participants (at time of marital breakdown).

	%	# of Participants
Band Member	97%	28
Non-band Member	3%	1
TOTAL		**29**

Table 4. Registered IndianStatus and Band Membership.

	%	# of Participants
Registered Indian Status		
Non Bill C-31	85%	23
Bill C-31	15%	4
SUB TOTAL	**93%**	**27**
Non-registered Indian	7%	2
TOTAL		**29**
Band Membership	97%	28
Registered Indian	93%	27
Bill C-31 Registrant	14%	4

Table 5. Participants' Primary Childhood Location.

	%	# of Participants
On Reserve	55%	16
Off Reserve	24%	7
On and Off Reserve	21%	6
TOTAL		**29**

Table 6. Participants' Highest Educational Attainment.

	%	# of Participants
Elementary	10%	3
Some High School	48%	14
Grade 12	10%	3
Some Post Secondary	17%	5
Undergraduate Degree	10%	3
Graduate Degree	3%	1
TOTAL		**29**

Table 7. Currently Enrolled in School.

	%	# of Participants
Yes	24%	7
No	76%	22
TOTAL		**29**

Table 8. Participants' Current Employment Status.

	%	# of Participants
Employed Full-time	21%	6
Employed Part-time	10%	3
Unemployed	69%	20
TOTAL		**29**

Table 9. Participants' Total Annual Income.

	%	**# of Participants**
<=$9,999	62%	18
$10,000 - $19,999	17%	5
$20,000 - $29,999	3%	1
$30,000 - $39,999	3%	1
$40,000 +	14%	4
TOTAL		**29**

Table 10. Participants' Secondary Sources of Income.

	%	# of Participants
Social Assistance	31%	9
Disability Benefits	17%	5
Employment Insurance	3%	1
Child Support	3%	1
Survivors Pension	7%	2
Workman Compensation Board	3%	1
Family Bonus	3%	1
GST Cheques	3%	1
Educational Support	7%	2
Rental Income	3%	1
Other Income	3%	1
None	14%	4
TOTAL		**29**

Table 11. Participants' Marital Status While Living with their Former Spouses.

	%	# of Participants
Married	38%	11
Traditionally Married	3%	1
Common-law	52%	15
Single	7%	2
Divorced	0%	0
Widowed	0%	0
Separated	0%	0
TOTAL		**29**

Table 12. Current Marital Status of Participant.

	%	# of Participants
Married	10%	3
Traditionally Married	0%	0
Common-law	10%	3
Single	55%	16
Divorced	14%	4
Widowed	3%	1
Separated	7%	2
TOTAL		**29**

Table 13. Same First Nation Origin as Former Spouse.

	%	# of Participants
Yes	59%	17
No	41%	12
TOTAL		**29**

Table 14. Total Length of Co-habitation on Reserve.

	%	# of Participants
less than 1 year	0%	0
1-2 yrs	28%	8
3-4 yrs	17%	5
5-9 yrs	17%	5
over 10 yrs	38%	11
TOTAL		**29**

Table 15. Property Interest with Former Spouse.

	%	# of Participants
Rented Housing	28%	8
Owned Property	59%	17
Both Rented and Owned	14%	4
TOTAL		**29**

Table 16. Participants' on Reserve Property Interest with Former Spouses.

	%	# of participants
Certificate of Possession	76%	13
No Certificate of Possession	6%	1
Unsure of Certificate of Possession	18%	3
TOTAL		**17**

Table 17. Participants' Number of Children with Former Spouses.

	%	# of Participants
None	28%	8
1 Child	10%	3
2 Children	24%	7
3 Children	14%	4
4 Children	17%	5
5 Children	3%	1
6 Children	3%	1
TOTAL		**29**

Table 18. Children with Registered Indian Status by Participant.

	%	Participant Responses
Yes	90%	19
No	5%	1
Don't know	5%	1
TOTAL		**21**

Table 19. Band Membership of Participants' Children

	%	# of Participants
Participants Band Only	28%	8
Former Spouses Band Only	34%	10
Both Bands	38%	11
TOTAL		**21**

Table 20. Participants' Current Housing Situation.

	%	# of Participants
Apartment	38%	11
House	17%	5
Townhouse	14%	4
Trailer	3%	1
Hotel/Boarding	24%	7
Transition House	3%	1
TOTAL		**29**

Table 21. Participants' Current Home Ownership Status.

	%	# of Participants
Home Owner	3%	1
Rent to Own	7%	2
Subsidized Rent	10%	3
Rent	79%	23
TOTAL		**29**

II. AWARENESS OF EXISTING REGIME

Table 22. Awareness of Matrimonial Real Property Laws on Reserve before Relationship Ended.

	%	# of Participants
Aware	14%	4
Not Aware	86%	25
TOTAL		**29**

Table 23. Knowledge of Current Matrimonial Real Property Rules at Participant's Band.

	%	# of Participants
Band Matrimonial Real Property Rules	21%	6
No Band Matrimonial Real Property Rules	45%	13
Don't Know	34%	10
TOTAL		**29**

Table 24. Can Either Spouse Keep a House after a Divorce?

	%	# of Participants
Yes	41%	12
No	34%	10
Don't Know	24%	7
TOTAL		**29**

Table 25. Available Housing on Reserves.

	%	# of Participants
Available	48%	14
Unavailable	38%	11
Don't Know	14%	4
TOTAL		**29**

Table 26. Years Elapsed since Relationship Ended.

	%	# of Participants
Within last year	7%	2
1-2 yrs	7%	2
3-4 yrs	10%	3
5-6 yrs	7%	2
7-9 yrs	10%	3
10-15 yrs	31%	9
16-20 yrs	14%	4
20+ yrs	14%	4
TOTAL		**29**

Table 27. Location of Residence after Marital Breakdown.

	%	# of Participants
Victoria	34%	10
Vancouver	21%	6
Other Cities	45%	13
TOTAL		**29**

Table 28. Participants who's Children Remained with them after the Marital Breakdown.

	%	# of Participants
Remained	59%	17
Didn't Remain	14%	4
N/A	28%	8
TOTAL		**29**

Table 29. Participants who Immediately Left the Reserve after the Marital Breakdown.

	%	# of Participants
Yes	72%	21
No	28%	8
TOTAL		**29**

Table 30. Location ofResidence Post-relationship.

	%	# of Participants
Same Town	24%	7
Within Province	55%	16
Outside Province	21%	6
TOTAL		**29**

Table 31. Reasons for Leaving the Reserve (Multiple Response Question).

	%	# of Participants
Lack of Services	2%	1
Alcoholism	8%	4
Widowed	2%	1
Education	8%	4
Employment	8%	4
Violence	42%	20
Financial	10%	5
Lack of Housing	19%	9
TOTAL RESPONSES		**48**

Table 32. Division of Matrimonial Real Property upon Relationship Termination.

	%	# of Participants
Yes	10%	3
No	90%	26
TOTAL		**29**

Table 33. Participants who Received Financial Support from their Former Spouses.

	%	# of Participants
None	79%	23
Child Support	10%	3
Child Support and Alimony	7%	2
N/A	3%	1
TOTAL		**29**

Table 34. Employment of Former Spouse.

	%	# of Participants
Employed	45%	13
Unemployed	45%	13
Unsure	3%	1
N/A	7%	2
TOTAL		**29**

Table 35. Securing Child Support and/or Alimony through Courts or Other Means.

	%	# of Participants
Family Maintenance	10%	3
Courts	21%	6
No Attempts	62%	18
N/A	7%	2
TOTAL		**29**

Table 36. Custody Arrangements of Children.

	%	# of Participants
Participant had Sole Custody	41%	12
Former Spouse had Sole Custody	3%	1
Joint Custody	21%	6
Other Arrangements	7%	2
N/A	28%	8
TOTAL		**29**

III. THE TRANSITION

Table 37. Was the Band Council Helpful or Hurtful during the Participant's Marital Breakdown?

	%	# of Participants
Helpful	14%	4
Hurtful	21%	6
Neutral	7%	2
N/A	59%	17
TOTAL		**29**

Table 38. Was the Participant's Immediate Family Helpful or Hurtful during Marital Breakdown?

	%	# of Participants
Helpful	79%	23
Hurtful	10%	3
Neutral	0%	0
N/A	10%	3
TOTAL		**29**

Table 39. Was the Former Spouse's Family Helpful or Hurtful during Marital Breakdown?

	%	# of Participants
Helpful	28%	8
Hurtful	17%	5
Neutral	3%	1
N/A	52%	15
TOTAL		**29**

Table 40. Was the Participant's Personal Friends Helpful or Hurtful during Marital Breakdown?

	%	# of Participants
Helpful	45%	13
Hurtful	3%	1
Neutral	0%	0
N/A	52%	15
TOTAL		**29**

Table 41.Was the Participant's Friends through the Relationship or 'Couple Friends' Helpful or Hurtful during Marital Breakdown?

	%	# of Participants
Helpful	24%	7
Hurtful	34%	10
Neutral	10%	3
N/A	31%	9
TOTAL		**29**

Table 42. Was the Participant's Friends through Work Helpful or Hurtful during Marital Breakdown?

	%	# of Participants
Helpful	7%	2
Hurtful	7%	2
Neutral	0%	0
N/A	86%	25
TOTAL		**29**

Table 43. Were Service Organizations Accessed by the Participant, Helpful or Hurtful during Marital Breakdown?

	%	# of Participants
Helpful	48%	14
Hurtful	3%	1
Neutral	0%	0
N/A	48%	14
TOTAL		**29**

Table 44. Was the Participant's Lawyer Helpful or Hurtful during the Marital Breakdown?

	%	# of Participants
Helpful	17%	5
Hurtful	17%	5
Neutral	3%	1
N/A	62%	18
TOTAL		**29**

Table 45. Was Someone Else Outside the Community Helpful or Hurtful during the Marital Breakdown?

	%	# of Participants
Helpful	45%	13
Hurtful	21%	6
Neutral	3%	1
N/A	31%	9
TOTAL		**29**

Table 46. Were Other Individuals Helpful or Hurtful during the Marital Breakdown?

	%	# of Participants
Helpful	31%	9
Hurtful	3%	1
Neutral	0%	0
N/A	66%	19
TOTAL		**29**

Table 47. Overall Helpful Supports (Total Responses).

	%	# of Participants
Participant's Family	23%	23
Services	14%	14
Outsiders	13%	13
Participant's Friends	13%	13
Other	9%	9
Former Spouse's Family	8%	8
Couple Friends	7%	7
Advocate	5%	5
Band	5%	5
Work	2%	2
TOTAL		**99**

Table 48. Overall Levels of Support that Hurt or Hindered (Total Responses).

	%	**# of Participants**
Couple Friends	24%	10
Band	17%	7
Outsiders	15%	6
Advocate	12%	5
Former Spouse's Family	12%	5
Participant's Family	7%	3
Work	5%	2
Other	2%	1
Services	2%	1
Participant's Friends	2%	1
TOTAL		**41**

Table 49. Overall Levels of Neutral or Non-applicable Supports (N/A).

	% Neutral	% N/A	Neutral	N/A
Other	0%	13%	0	19
Outsiders	13%	6%	1	9
Advocate	13%	13%	1	18
Services	0%	10%	0	14
Work	0%	18%	0	25
Couple Friends	38%	6%	3	9
Participant's Friends	0%	11%	0	15
Former Spouse's Family	13%	11%	1	15
Participant's Family	0%	2%	0	3
Band	25%	11%	2	15
TOTAL			**8**	**142**

IV. LIFE IN THE CITY

Table 50. Positive Experiences after Leaving the Reserve.

	%	# of Participants
Safety	17%	5
Education	10%	3
Work	10%	3
Children	10%	3
Family	7%	2
Self-esteem	7%	2
Freedom	7%	2
Other	28%	8
N/A	3%	1
TOTAL		**29**

Table 51. Most Helpful Supports after Leaving the Reserve.

	%	# of Participants
Women's Centre	24%	8
Counseling	21%	7
Service Organizations	21%	7
Friends	15%	5
Family	12%	4
Education	3%	1
Church	3%	1
TOTAL		**33**

Table 52. Finances Better or Worse After Marital Breakdown.

	%	# of Participants
Better	38%	11
Worse	38%	11
Same	10%	3
Both Better and Worse	14%	4
TOTAL		**29**

Table 53. Service Organizations Accessed by Participants (Multiple Responses).

	%	# of Participants
Friendship Centre	8%	8
Provincial Funding	4%	4
Federal Funding	2%	2
Emergency Housing	1%	1
First Nation Health Insurance	13%	13
Band	1%	1
Counselling	2%	2
Native Organizations	9%	9
Non-native Organizations	8%	8
Food Bank	1%	1
Spiritual/Religious	4%	4
Women's Shelter	12%	12
Social Assistance	19%	19
Educational Funding	7%	7
Scholarships	5%	5
Bursaries	4%	4
TOTAL		**100**

Table 54. Unexpected Changes.

	%	# of Participants
Yes	79%	23
No	17%	5
N/A	3%	1
TOTAL		**29**

Table 55. Perceived Impact on Children.

	%	# of Participants
Impacted	62%	18
No impact	14%	4
N/A	24%	7
TOTAL		**29**

Table 56. Participant's Perception of Impacts to their Children

	%	# of Participants
Worse Off	7%	2
Better Off	59%	17
Same	7%	2
Unsure	3%	1
N/A	24%	7
TOTAL		**29**

Table 57. Negative Changes from Leaving the Reserve.

	%	# of Participants
Housing	10%	3
Drugs/ Alcohol	21%	6
Support System	7%	2
Social Assistance	3%	1
Education	3%	1
Children	7%	2
Safety	3%	1
Family	10%	3
Finances	14%	4
N/A	21%	6
TOTAL		**29**

Table 58. Least Helpful Services.

	%	**# of Participants**
Former Spouse's Friends	3%	1
Lawyers	3%	1
DIAND	3%	1
RCMP	3%	1
Organizations	7%	2
Welfare	10%	3
Band	14%	4
N/A	55%	16
TOTAL		**29**

Table 59. Perception of Impact on Participants' and/or Children's Lives.

	%	**# of Participants**
Better	76%	22
Worse	14%	4
Same	7%	2
Both Better and Worse	3%	1
TOTAL		**29**

Table 60. Participants' who given the Chance, would Move Back to the Reserve.

	%	# of Participants
Yes	66%	19
No	34%	10
TOTAL		**29**

V. MAKING A DIFFERENCE

Table 61. Participants' Recommendations by Subject Area (Multiple Response N=115).

	%	# of Responses
Violence	18%	21
Public Education	15%	17
Housing	13%	15
Support	9%	10
Counselling	8%	9
Training	7%	8
Health	7%	8
Band	6%	7
Children	5%	6
Women	4%	5
Family	4%	5
Community	3%	4
TOTAL		**115**